



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

Chairperson
DR. PAUL KRUPER

Vice Chairperson
JASON POYNER

COMMISSIONERS
ROBERT JOHNSON
JASON ROUNTREE
JEREMY KINNEY
TROY COZBEY
MATTHEW BULLIS

Planning & Development Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA

KINGSBURG PLANNING COMMISSION

MAY 11, 2017

6:00 P.M.

KINGSBURG CITY COUNCIL CHAMBER

1401 DRAPER STREET

1. Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.

NEXT RESOLUTION 2017-11

2. **APPROVAL** of the April 13, 2017 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **CONTINUED PUBLIC HEARING – CONSIDERATION OF:**
 - (I) **NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);**
 - (II) **PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);**
 - (III) **NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);**
 - (IV) **PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);**

Open Continued Public Hearing.

(2) Presentation by Consulting Planning Director Greg Collins

(Nelson Project)

- (a) Commission Discussion
- (b) Open for Public Comment
- (c) Close Public Comment
- (d) Continued Commission Discussion
- (e) Decision on Negative Declaration

(Nelson Project only)

- (f) Decision on PUD 2016-01
- (g) Decision on Tentative Subdivision Map TTM 6122, 59 Single Family Lots, Pocket Park and Pedestrian Walk Thru Situated on 19.46 Acres

(3) Presentation by Consulting Planning Director Greg Collins

(Crinklaw Project)

- (a) Commission Discussion
- (b) Open for Public Comment
- (c) Close Public Comment
- (d) Continued Commission Discussion
- (e) Decision on Negative Declaration

(Crinklaw Project only)

- (f) Decision on PUD 2016-02
- (g) Decision on Tentative Subdivision Map TTM 6167, 121 Single Family Lots, Community Park and Storm Drain Basin Situated on 41.5 Acres

Close Continued Public Hearing

5. FUTURE ITEMS

6. ADJOURN

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Call to order – At 6:07 PM the Kingsburg Planning Commission was called to order.

Members Present – Kinney, Poynor, Cozbey, Bullis and Kruper.

Members Absent – Rountree and Johnson

Staff Present – City Manager Alexander Henderson, City Attorney Mike Noland, City Engineer Dave Peters, Building Official Mike Koch and Planning Secretary Mary Colby.

Others Present – See Sign in Sheet

APPROVAL- Commissioner Bullis made a motion, seconded by Commissioner Cozbey to approve the minutes of the March 9, 2017 meeting as mailed. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS

Theresa Lipschitz, address the Commissioners and requested a continuance for the hearing on the annexation and maps for Nelson and Crinklaw.

Commissioner Kruper stated that this is a public noticed meeting and the Commission must follow the agenda. The public hearings would be opened and the staff reports will be reviewed. City Attorney Mike Noland stated that there are applicants for each project and they must be given a chance to speak to their item. If the applicant would like to postpone he may request that.

PUBLIC HEARING – CUP-2017-01 FOR CONVERSION OF THE SECOND STORY OF AN EXISTING COMMERCIAL BUILDING AT 1373 DRAPER STREET INTO FOUR RESIDENTIAL LOFTS AND A FIFTH SPACE FOR AN OFFICE.

At 6:19 PM the Public Hearing for conversion of the second story of an existing commercial building at 1373 Draper Street into four residential lofts and a fifth space for an office was opened.

Planning Director Greg Collins presented a power point slide show depicting the location and floor plan of the proposed development. He stated that this project is in the downtown Form Based Code District and is a unique project for a small town.

Commission Discussion:

Q: Will residents contribute to a parking lot maintenance fund?

A: This is a City maintained parking lot.

Q: How many businesses use the parking, this could affect the availability of parking for residents and businesses.

A: This is public parking so who parks there is not regulated.

Open for Public Comment at 6:31 PM

No comments from the public

Close Public Comment at 6:31 PM

Continued Commission Discussion

- Downtown residential is a good idea.
- Will motivate people to go downtown.

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- Could be a parking problem if/when more units are developed in the downtown area.

Commissioner Bullis made a motion, seconded by Commissioner Kinney to approve the finding of categorical exemption under the California Environmental Quality Act Guideline Section 15301 (a) re-use of existing buildings with minimal changes and to adopt Planning Commission Resolution 2017-04 approving Conditional Use Permit 2017-01 establishing residential lofts on the second floor of an existing building located at 1373 Draper Street. The motion carried by unanimous vote of those Commissioners present.

At 6:36PM the Public Hearing was closed

PUBLIC HEARING – CONSIDERATION OF:

(I) NEGATIVE DECLARATION AND RECOMMENDATION TO THE KINGSBURG CITY COUNCIL TO ANNEX 88 ACRES IN THE COUNTY OF FRESNO INTO THE CITY OF KINGSBURG AND DETACHMENT OF SAME FROM THE KINGS RIVER CONSERVATION DISTRICT, FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE CONSOLIDATED IRRIGATION DISTRICT AND PRE-ZONING OF 88 ACRES FROM THE COUNTYAE-20 ZONE DISTRICT TO KINGSBURG R-1-7 AND RA ZONE DISTRICTS

(II) NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);

(III) PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-01 AND TENTATIVE SUBDIVISION MAP, TTM 6122, 59 SINGLE-FAMILY LOTS, POCKET PARK AND PEDESTRIAN WALK THRU SITUATED ON 19.46 ACRES (NELSON);

(IV) NEGATIVE DECLARATION FOR PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);

(V) PLANNED UNIT DEVELOPMENT PUD- 2016-02 AND TENTATIVE SUBDIVISION MAP TTM- 6167, 121 SINGLE-FAMILY LOTS, COMMUNITY PARK AND STORM BASIN SITUATED ON 41.7 ACRES (CRINKLAW);

Open Public Hearing at 6:36 PM

Planning Director Greg Collins stated that these two projects are consistent with the Kingsburg General Plan and North Kingsburg Specific Plan (NKSP) and an environmental impact report was prepared for both projects which did identify some impacts.

Dave Crinklaw has offered to connect the county island parcels to sewer and water as part of the annexation process.

Commission Discussion

Two letters received regarding the projects.

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Q: Would the property owners in island have a vote or not since it is inhabited.

A. LAFCo would determine the number of registered voters in the area. They will not allow the creation of an island when property is annexed.

(Annexation and Rezoning of 88 Acres into the City of Kingsburg)

Open for Public Comment 7:03PM

Bert Phillips 2874 22nd Court have property in the RA area which was purchased 1 year ago to store equipment and raise small animals. Since I do not live on the property was told I do not have a vote when it comes to the annexation. Other issues:

- Additional traffic in the area
- If Kamm is widened how much of my property will they take

City Engineer Dave Peters stated there will be an increase in traffic but Kamm Avenue will not need to be widened at this time. It would be reevaluated when more development happens and triggers further improvements. All developers are required to pay a traffic impact fee.

Adriana Jenna, 2090 Howard Street, asked how more police and fire will be funded when the City is struggling with funds. Need to bring more business to town.

The creation of a Community Service District will help offset the cost of police and fire.

Don Pauley 2380 Howard St. If annexation is approved are you precluded from making a decision on the maps? City Attorney Mike Noland stated no.

Loren Smith Representing Gary Nelson, stated that Mr. Nelson is agreeable to continuing this item.

Theresa Lipschitz, have a problem with the amount of traffic being generated with the addition of all these homes.

Susan Wilford 2391 19th Ave, asked when the traffic study was completed. City Engineer Dave Peters stated this was completed in the last two months. Ms. Wilford thinks this needs to be reassessed during the busy time of year.

Vito Jenna 2090 Howard, is not against the annexation but does feel there will be more congestion in the area. His concern is where the runoff from storm water will go. (Storm water will go into a retention pond as a condition of approval)

Theresa Shriner 2641 19th feels there should be fewer lots in the subdivision and an additional access onto Kamm Avenue. Feels the Traffic study contradicts itself.

Ron Shriner 2641 19th (Tract 6122), needs an additional exit off of Kamm and would like to see fewer lots, would like to see it taken down to 50 houses.

Pamela Zarate, 2351 Kamm Ave asked if there is a standard for lots to be similar across from each other. Traffic is another issue.

Eric Salinas 14065 S Mendocino, has an issue with traffic in Tract 6122 where the exit onto 18th from Silverbrooke is directly across from my 3 month old son's bedroom, what if someone blows the stop sign and slams into my house. Don't want to see a block lite wall surrounding a subdivision.

Judy Wheeler who lives in the RA section stated that she did not understand there would be a vote of any kind tonight. Wants to postpone any decisions in order to get agreement in writing. Other issues are:

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- Traffic need another outlet on Kamm Avenue
- Continue the country lifestyle
- Maintain the animals that they have
- Keep wells for irrigation.

Dave Crinklaw 13837 S. Zediker, developer for Tract 6167 stated that he has met 3 times with the residents in the RA area to address their concerns. He has offered to hook them up to city sewer and water if they choose, but they don't have to if they don't want to. Mr. Crinklaw would like to have their project reviewed tonight and not continued.

Joe Guagliardo, representing Mr. Crinklaw. Annexation would provide for unification of services. City staff has done a great job of addressing concerns of the county homeowners.

Gary Nelson Tract 6122 13496 E Kamm have had property for 60+ years. Feel that I am entrenched in with another development that is offering smaller lots. Asking for postponement of any decision tonight.

Judy Bibb lives on Howard Street and stated that she is happy with the Nelson development. But the Crinklaw property has lots that are too small with too many homes. Most of the problems on the west side of town are in the areas with smaller lots.

Sandra Staats 13837 S Zediker have spent years developing this project. The project is proposed in two phases with more 10,000 square foot lots than the Nelson development with 3000 square foot homes which are semi-custom. This development will bring a significant opportunity to Kingsburg.

Close Public Comment at 8:31PM

Continued Commission Discussion
Lot sizes and designation

Commissioner Bullis made a motion, seconded by Commissioner Cozbey to recommend to the City Council initiation proceedings for the Mendocino-Kamm Northwest Reorganization the annexation of 88 acres to the City of Kingsburg and detachment of the same from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District, make the findings that a Negative Declaration is the appropriate environmental document and adopt Resolution 2017-05. The motion carried by unanimous vote of those Commissioners present.

Commissioner Bullis made a motion, seconded by Commissioner Kinney to recommend approval to the City Council a rezoning of 88 Acres of land from the county's AE-20 zone to Kingsburg's R-1-7 and RA zones (see exhibit A) north of the city, in the Nelson/Crinklaw project and adopt Resolution 2017-06. The motion carried by unanimous vote of those Commissioners present.

The Commission took a short break at 8:45PM

Open for Public Comment – 9:03pm

(Nelson Project) Gary Nelson has indicated he is willing to continue this hearing to the next meeting.

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Commissioner Bullis made a motion, seconded by Commissioner Cozbey to continue the Public Hearing on the Nelson Tract No. 6122 to the next Planning Commission meeting on May 11th 2017. The motion carried by unanimous vote of those Commissioners present.

**Presentation by Consulting Planning Director Greg Collins
(Crinklaw Project)**

Theresa Lipschitz – have a problem with the number of houses in this development and lots are too small.

Nancy Thompson have heard many rumors that were not true. These homes are similar size and larger than the development that we are living in. This is 41 acres not 20 so the number of lots are not exorbitant.

Dave Crinklaw the developer for Tract 6167 stated that he agrees that North Kingsburg should have large lots. It is two phases. 55 lots in first phase and it will probably take 6 years to build out.

Joe Guagliardo, stated that this project is a result of extensive consultation with staff and has changed many times. They have talked about the fees that will be collected with building permits. How it will fit into the community and design standards that are followed within the project. Would like to be given the opportunity for rebuttal if statements are made against the project.

Todd Thompson there have been complaints about every single project that has been proposed. This is a great addition to the City and fully support this project.

Loren Smith with Harbor and Smith who represents Mr. Nelson reiterated that he has changed his map many times to bring up the lot sizes, would like to see the same consideration going to Mr. Crinklaw.

Vito Jenna stated that he is used to growth but asked that the Commission consider continuing this project to further study the layout.

Sandra Staats, stated that we have worked with staff and have provided lots that exceed 7000 sq ft.

Gary Nelson property to the south, unhappy about size of lots in the Crinklaw project

Commissioner Poynor made a motion, seconded by Commissioner Kinney to continue the public hearing and the public comment portion for both tract maps 6167 (Nelson and Crinklaw) to the May 11th Planning Commission meeting. The motion carried by the following vote:

Ayes:	Kinney, Poynor, Cozbey and Kruper
Nos:	Bullis
Absent:	Johnson and Rountree
Abstain:	None

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PUBLIC HEARING – CONSIDERATION OF A NEGATIVE DECLARATION AND PLANNED UNIT DEVELOPMENT (PUD), PUD 2016-03 AND TENTATIVE SUBDIVISION TRACT MAP - TRACT NO. TTM 6151, 64 SINGLE-FAMILY LOTS AND POCKET PARK SITUATED ON 19.98 ACRES; AND RECOMMENDATION TO THE KINGSBURG CITY COUNCIL TO ANNEX 19.98 ACRES IN THE COUNTY OF FRESNO INTO THE CITY OF KINGSBURG AND DETACHMENT OF SAME FROM THE KINGS RIVER CONSERVATION DISTRICT, FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE CONSOLIDATED IRRIGATION DISTRICT AND PRE-ZONING OF 19.98 ACRES FROM THE COUNTY AE-20 DISTRICT TO KINGSBURG R-1-7 (ERICKSON PROJECT)

Open Public Hearing at 9:28 PM

Consulting Planning Director Greg Collins stated that this is an infill project and is consistent with the North Kingsburg Specific Plan and the appropriate zone district is R-1-7

Open for Public Comment at 9:43PM

Loren Smith, Arbor & Associates representing Mr. Erickson, agree with all of the conditions am happy to answer any questions. There were no further comments and the Public Comment was closed at 9:44PM

Continued Commission Discussion

Same R-1-7 designation, have a mixture of lot sizes.

Location of park is good.

Like the street layout

Pedestrian access is good.

The Public Hearing was closed at 9:50PM

Commissioner Bullis made a motion, seconded by Commissioner Cozeby to adopt Resolution 2017-07 recommending that the Kingsburg City Council initiate proceedings for the “Erickson Reorganization”, annexation of 19.98 acres to the City of Kingsburg and Selma Kingsburg Fowler County Sanitation District, detachment of the same from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District, and confirming that a Negative Declaration is the appropriate environmental document. The motion carried by unanimous vote of those Commissioners present.

Commissioner Bullis made a motion, seconded by Commissioner Poynor to recommend to the City Council a Pre-Zone of 19.98 acres from County AE-20 Zone District to Kingsburg R-1-7 Zone District located west of 10th Avenue and between Kamm and Stroud Avenues in the Northwest quadrant of Kingsburg, Erickson Project and adopt Resolution 2017-08 and confirming that a Negative Declaration is the appropriate environmental document. The motion carried by unanimous vote of those Commissioners present.

Commissioner Bullis made a motion, seconded by Commissioner Cozeby to recommend to the City Council adoption of Resolution 2017-09 approving Planned Unit Development PUD 2016-03 (Erickson) for a single family residential development and associated open space uses, located on the west side of 20th Avenue between Kamm and Stroud Avenues adjacent to the City of Kingsburg

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and confirming that a Negative Declaration is the appropriate environmental document. The motion carried by unanimous vote of those Commissioners present.

Commissioner Bullis made a motion, seconded by Commissioner Kinney to adopt Resolution 2017-10 approving a vesting tentative subdivision map Tract No. 6151 a 64 lot single family residential subdivision and confirming that a Negative Declaration is the appropriate environmental document. The motion carried by unanimous vote of those Commissioners present.

FUTURE ITEMS

ADJOURN- At 9:55 PM the Kingsburg Planning Commission meeting was adjourned.

Submitted by

Mary Colby
Planning Secretary



Meeting Date: 5-11-17
Agenda Item: (4)

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: Greg Collins, contract planner

REVIEWED BY:

AGENDA ITEM: Nelson/Crinklaw Project-Continued Public Hearing

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☒ Motion ☐ Receive/File

EXECUTIVE SUMMARY

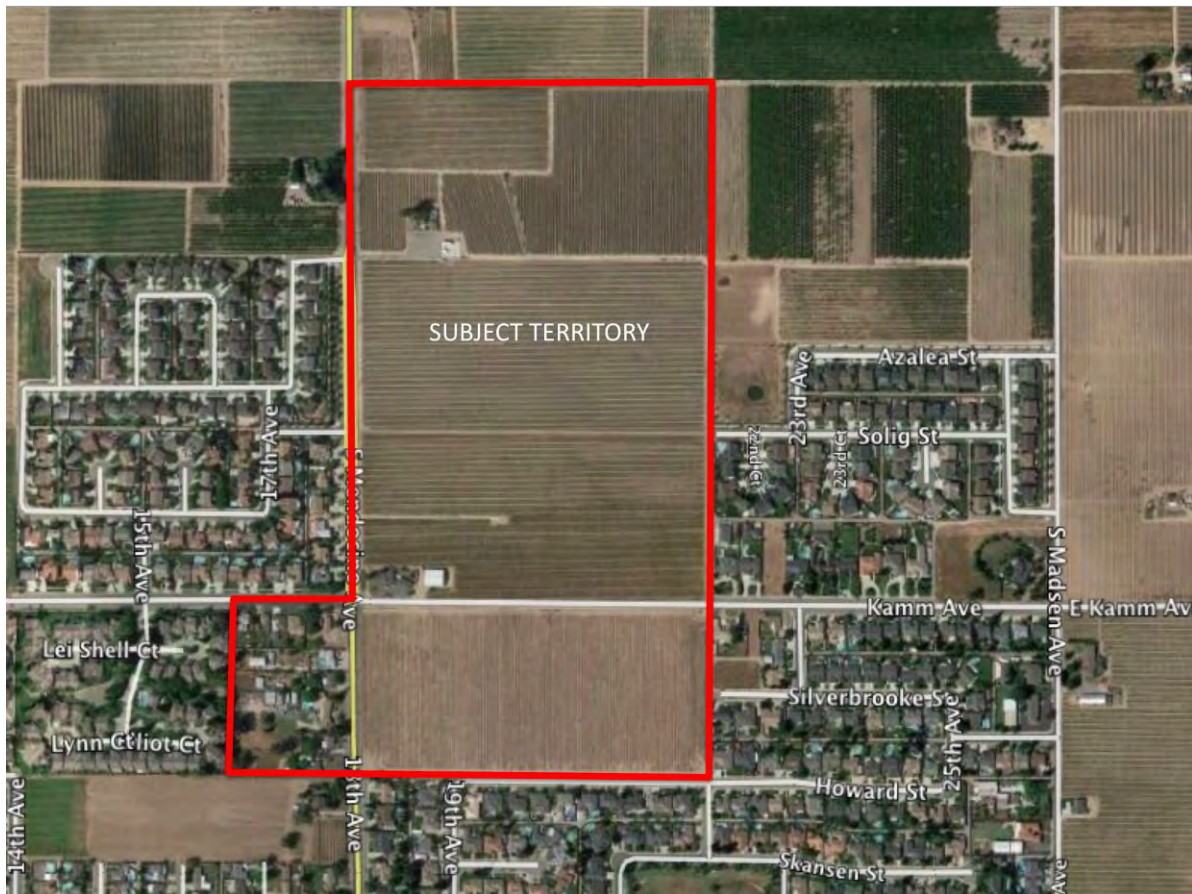
The applicants, Gary Nelson and Dave Crinklaw, are seeking approval of a number of planning applications. Together, these planning applications constitute a "project" under the California Environmental Quality Act (CEQA). Rather than process each applicant's project separately, the city of Kingsburg has elected to process the applications as one project.

The Commission held a public hearing on the subject applications at their April 13, 2017, meeting. The Commission took public testimony on all the planning applications both for and against, reviewed the staff report, and approved a portion of the project that dealt with the annexation and pre-zoning of the subject territory. The Commission continued the public hearing to gather additional public input and Commission discussion on the PUD's and tract maps for the Nelson and Crinklaw properties. The applications that will be the focus of the Commission's continued public hearing will be the PUDs and subdivision tract maps on the Nelson and Crinklaw properties. The remaining applications that the Commission will address at their May 11, 2017, meeting include:

1) Approval of two planned unit developments (PUDs), which involve single-family residential uses and associated open space features. Note that staff has added an additional condition to each PUD that allows for the construction of alley-loaded garages at selected locations subject to approval of the city engineer and city planner. This condition serves to implement some of the design strategies of the North Kingsburg Specific Plan.

4) Approval of two vesting tentative subdivision maps - Tract No. 6122, 59-lot single-family residential subdivision and Tract No. 6167, Dave Crinklaw, 121 lot single-family residential subdivision. (**Note:** Prior to the consideration of the aforementioned subdivision maps, the applicants were responsible for requesting an "award allocation" from the Kingsburg City Council consistent with Chapter 16.09 Growth Management System of the Municipal Code. The planning commission and city council awarded the allocation for 59 and 121 single-family residential lots on the subject properties.)

Staff has determined that the subject properties are within the planning area of the Kingsburg General Plan and the North Kingsburg Specific Plan (NKSP). The proposed project is consistent with the land use designations in each plan.



The Specific Plan, which is like a detailed general plan, sets forth certain processing and design requirements for development occurring within the NKSP planning area. Staff must process each tentative subdivision map as a PUD (planned unit development). The NKSP requires that a PUD be processed in a

manner consistent with Kingsburg's conditional use permit process detailed in the Kingsburg Zoning Ordinance. The NKSP requires that the design of the subdivision and the individual homes proposed for lots within these subdivisions are consistent with the design guidelines of the NKSP.

When the NKSP was prepared a Final Environmental Impact Report (FEIR) was certified for the Plan. The FEIR discussed the environmental impacts that would be associated with the build out of the Specific Plan. For this particular project, staff has filed a negative declaration on the "project", which includes the annexation, pre-zoning, PUD and tentative subdivision map applications. The negative declaration is a finding that the project will have no significant impacts above and beyond the environmental impacts discussed in the EIR prepared on the North Kingsburg Specific Plan. The Plan's EIR was certified by the Kingsburg City Council and a "Statement of Overriding Consideration" was included and filed with the certified EIR. **Further, the negative declaration is supported by two previously prepared and certified Final EIRs. The first FEIR was prepared on the Kingsburg General Plan, which encompasses the project area. The proposed project is consistent with the land use designations detailed in the Kingsburg General Plan. The second Final FEIR was prepared and certified for the North Kingsburg Specific Plan as referenced above. The proposed project is also consistent with the land use designations shown in the Specific Plan.**

RECOMMENDED ACTIONS

1. Pass Resolution No. 2017 - Adopting Negative Declaration for Planned Unit Development (PUD) 2016-01 (Nelson) and approving Planned Unit Development (PUD) 2016-01 (Nelson) and approving the necessary findings consistent with Chapter 17.76 of the Kingsburg Municipal Code and subject to the following conditions:

- a. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.
- b. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.
- c. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.

d. The applicant shall seek to construct residential units with alley-loaded garages on lots within the subdivision that are appropriate for this type of home design. The city engineer and city planner shall review and approve the location and number of these types of lots within the subdivision.

2. Pass Resolution No. 2017 - Adopting Negative Declaration for Planned Unit Development (PUD) 2016-02 (Crinklaw) and approving Planned Unit Development (PUD) 2016-02 (Crinklaw) and approving the necessary findings consistent with Chapter 17.76 of the Kingsburg Municipal Code and subject to the following conditions:

a. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.

b. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.

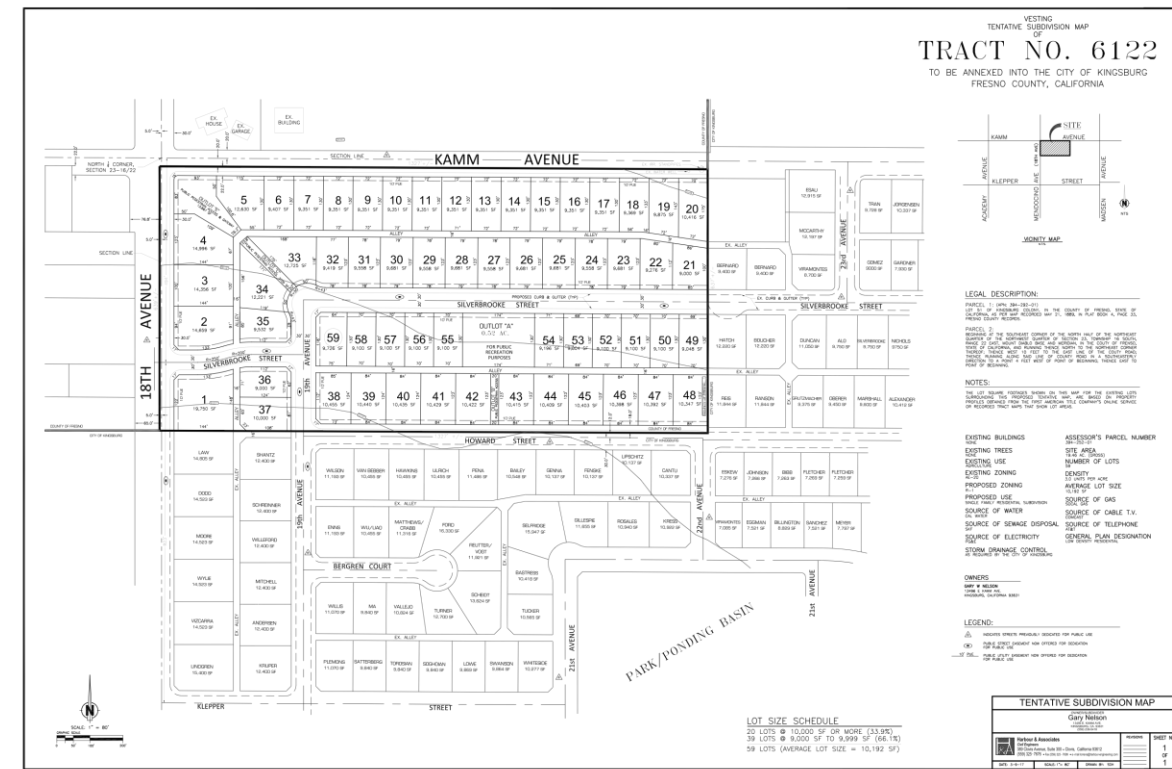
c. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.

d. The applicant shall seek to construct residential units with alley-loaded garages on lots within the subdivision that are appropriate for this type of home design. The city engineer and city planner shall review and approve the location and number of these types of lots within the subdivision.

3. Pass Resolution 2017- Adopting Negative Declaration for Vesting Tentative Subdivision Tract Map No. 6122 (Nelson) and approving Vesting Tentative Subdivision Tract Map No. 6122 (Nelson) subject to conditions as follows:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.



4. The applicant shall pay all fees as required by existing ordinances and schedules.
5. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.

Final Map:

6. A right to farm covenant shall be recorded prior to recordation of the final map.
7. In addition to the provisions in Section 18 of the City of Kingsburg Improvement Standards; the project Lighting and Landscape Maintenance District shall also include provisions for maintenance, parks, trails, local streets and alleys.

Circulation:

8. Applicant shall pay their fair share cost of a traffic study to evaluate project impacts in accordance with the City of Kingsburg Traffic Study Guidelines.
9. Street widths shall comply with the City of Kingsburg Improvement Standards.
10. Applicant shall provide a 35-foot street dedication to develop the 95' right-of-way section along 18th Avenue.
11. Applicant shall provide a 22-foot street dedication to develop the 84' right-of-way section along Kamm Avenue.

12. Applicant shall construct frontage improvements along 18th Avenue and Kamm Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
13. Applicant shall install a stop sign on the eastbound approach of Howard Street and 19th Avenue to eliminate right of way conflicts associated with the extension of 19th Avenue.
14. Applicant shall restripe and provide a two-way left turn lane along 18th Avenue between Klepper Street and Kamm Avenue to facilitate turns into and out of the new Silverbrooke Street intersection at 18th Avenue.
15. Applicant shall coordinate with and obtain Encroachment Permits from Fresno County for any work within the County jurisdiction.
16. Applicant shall furnish and install street name signage within the subdivision conforming to City of Kingsburg standards.
17. Applicant is required to acquire and dedicate any right of way necessary as well as provide necessary street barricades and transitions of improved streets where they conform to existing street sections.

Water:

18. Applicant shall install a minimum 12-inch water main in the Kamm Avenue frontage to provide domestic and fire water service to the project. A 2-inch blowoff shall be installed at the waterline's eastern terminus.
19. Applicant shall install a minimum 8-inch water main within the subdivision to provide services to each lot. Water services shall be installed in accordance with City of Kingsburg standards.

Sewer:

20. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

Grading and Drainage:

21. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
22. Project drainage shall be directed to the Erling Basin. Applicant shall install all storm drainage facilities necessary to convey water to the Erling Basin as determined by the City Engineer.

23. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
24. As part of the mitigation measures for soil erosion, the Applicant shall be responsible for street sweeping during the one-year warranty period.

Park / Aesthetics:

25. The Applicant shall provide and install minimum 15-gallon street trees with root barriers to City Standards for each lot at a location along the front property line.
26. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
27. Applicant shall perform landscape maintenance within the street rights of way for a period of one-year after acceptance of the tract improvements by the Council. Maintenance includes all irrigation system repairs and replacement of stressed or dead plants.
28. Applicant shall dedicate and develop pedestrian access and public park space. Park space shall include play equipment, shade structures, drinking fountain, and seating as determined by staff. Pedestrian access areas shall include an 8-foot wide sidewalk, landscaping, and entry monumentation near the 18th Avenue / Kamm Avenue intersection.
29. All existing overhead utilities adjacent to the subdivision shall be undergrounded, including transformers.
30. All electric, cable TV, telephone, internet, etc. services shall be provided to the subdivision and shall be undergrounded (including conveyance facilities).
31. The Applicant shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
32. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.
33. Applicant shall construct a 6-foot decorative masonry wall in locations where a lot is adjacent to open space.

Irrigation:

34. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
35. All abandoned irrigation lines serving the property shall be removed.

Defense and Indemnification:

36. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("**City**"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "**City Parties**") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to Vesting Tentative Map No. 6151, Erickson ("**Vesting Map**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Vesting Map.
37. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Vesting Map, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out

of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Vesting Map.

38. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Vesting Map.
39. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Vesting Map (collectively "**Subdivision Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Subdivision Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
40. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work.
41. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of

violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

42. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Vesting Map.

Community Facilities District:

43. All the land within the subdivision shall be annexed into and become part of a Community Facilities District ("CFD") to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the subdivision into the CFD and consent to any tax imposed upon the land within the subdivision used to fund and finance authorized services eligible to be funded and financed by the CFD.

5. Approve Resolution 2017 - Adopting Negative Declaration for Vesting Tentative Subdivision Tract Map No. 6167 (Crinklawn) and approving Vesting Tentative Subdivision Tract Map No. 6167 (Crinklawn) subject to conditions as follows:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.

- [illegible]

7. A right to farm covenant shall be recorded prior to recordation of the final map.
8. In addition to the provisions in Section 18 of the City of Kingsburg Improvement Standards; the project Lighting and Landscape Maintenance District shall also include provisions for maintenance of park, trails, local roads and alleys.

Circulation:

9. Applicant shall pay their fair share cost of a traffic study to evaluate project impacts in accordance with the City of Kingsburg Traffic Study Guidelines.
10. Street widths shall comply with the City of Kingsburg Improvement Standards.
11. Direct vehicular access to 18th Avenue from Lots 1, Lots 24-28, and Lots 115-121 be restricted. A 6-foot decorative block wall shall be constructed along the entire frontage along 18th Avenue. The walls shall step down or flare at the site access streets as determined by the City Engineer to accommodate appropriate vehicular site distances.
12. Applicant shall provide street dedications to develop the 116' right-of-way section along 18th Avenue.
13. 18th Avenue shall be developed with a raised center median as shown in the NKSP.
14. Streets stubbed for circulation into future developments shall have street barricades at their terminus.
15. A 2/3 width right-of-way shall be provided along the Solig Avenue frontage. Applicant shall make dedications as necessary to accommodate the 2/3 street. Street section shall include an 8-foot wide pedestrian pathway to adjoin a similar facility at the east boundary of the propose tract.
16. Applicant shall construct frontage improvements along 18th Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
17. Applicant shall coordinate with and obtain Encroachment Permits from Fresno County for any work within the County jurisdiction.
18. Applicant shall furnish and install street name signage within the subdivision conforming to City of Kingsburg standards.
19. Applicant is required to acquire and dedicate any right of way necessary as well as provide necessary street barricades for transitions of improved streets where they conform to existing street sections.

Water:

20. Applicant shall install a minimum 12-inch water main in 18th Avenue and 8-inch water main in Solig Avenue to provide domestic and fire water service to the project.

21. Applicant shall install a minimum 8-inch water main within the subdivision to provide services to each lot. Water services shall be installed in accordance with City of Kingsburg standards.

Sewer:

The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

Grading and Drainage:

22. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
23. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
24. As part of the mitigation measures for soil erosion, the Applicant shall be responsible for street sweeping during the one-year warranty period.

Park / Aesthetics:

25. The Applicant shall provide and install minimum 15-gallon street trees with root barriers to City Standards for each lot at a location along the front property line.
26. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
27. Applicant shall perform landscape maintenance within the street rights of way for a period of one-year after acceptance of the tract improvements by the Council. Maintenance includes all irrigation system repairs and replacement of stressed or dead plants.
28. Applicant shall dedicate and develop pedestrian access and public park space. Park space shall include play equipment, shade structures, drinking fountain, and seating as determined by staff. Pedestrian access areas shall include an 8-foot wide sidewalk, landscaping, and entry monumentation near the 18th Avenue / Kamm Avenue intersection.
29. The drainage basin developed (Outlot 'A') shall be joined with the existing basin to which it abuts and shall be landscaped and fenced as approved by

the City Engineer. The intent is to develop usable recreation space when the basin is not being utilized as storm water storage.

30. Any proposed entry signage shall be approved through the Building and Planning Department.
31. Applicant shall construct a 6-foot decorative masonry wall in locations where a lot is adjacent to open space.

Utilities:

32. All existing overhead utilities adjacent to the subdivision shall be undergrounded, including transformers.
33. All electric, cable TV, telephone, internet, etc. services shall be provided to the subdivision and shall be undergrounded (including transformers).
34. The Applicant shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
35. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

36. The 320 foot wide irrigation easement shall be vacated or terminated as shown on the tentative tract map.
37. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
38. All abandoned irrigation lines serving the property shall be removed.

Defense and Indemnification:

39. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("City"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "City Parties") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages

of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to Vesting Tentative Map No. 6151, Erickson ("**Vesting Map**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Vesting Map.

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42. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Vesting Map (collectively "**Subdivision Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Subdivision Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
43. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work.
44. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
45. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City

shall be considered a material violation of the conditions of approval of the Vesting Map.

Community Facilities District:

46. All the land within the subdivision shall be annexed into and become part of a Community Facilities District ("CFD") to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the subdivision into the CFD and consent to any tax imposed upon the land within the subdivision used to fund and finance authorized services eligible to be funded and financed by the CFD.

BACKGROUND:

Applicants: Gary W. Nelson and David Crinklaw

Location:

The subject territory is generally located south of Caruthers Avenue, north of Howard Street and situated on both sides of Mendocino Avenue, containing approximately 88 acres. The subject territory is contained in the following APNs: 393-123-29 (1.0 ac.), 393-123-26 (20.85), 393-123-27 (20.85), 393-123-28 (19.7), 394-252-01 (19.6), and 394-070-02, 03, 04, 05, 06, 08, 09, 10, 12, 13, and 14.

Annexation of 88 acres into the city (Note: The Commission has taken action on this matter).

The applicants wish to annex approximately 88 acres into the City of Kingsburg (and detach 88 acres from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District). Eighty of the acres are controlled by two property owners - Nelson (40 acres) and Crinklaw (41 acres). The remaining 6.22 acres is a rural residential enclave (11 parcels) occupied by 11 residential dwellings with an assortment of outbuildings.

The subject properties are essentially infill parcels in that they are almost surrounded on three sides by residential development. The annexation of the subject properties would allow for the east/west extension of some existing residential streets (e.g. Solig Avenue); it would facilitate the annexation of a county island that contains 6.22 acres that is occupied by 11 residential units and

numerous outbuildings; and it would facilitate the widening of two major streets in the Kingsburg area - Kamm and Mendocino avenues.

The annexation of the subject territory is consistent with Fresno LAFCO policies in that cities in Fresno County are encouraged to annex county islands especially when city lands substantially surround them.

The subject territory can be readily served by the city's sewer, water and storm drainage infrastructure, according to the Service Plan prepared by city staff. Further, the property is already within the general service area of Kingsburg police and fire services as well as Mid Valley solid waste collection. From a fiscal perspective, the development impact fees collected from the construction of the future homes within the subject territory will enhance Kingsburg's storm water, sewer and water fund accounts as well as park, public safety and general government accounts.

Pre-Zoning, AE-20 to R-1-7 and RA (Note: The Commission has taken action on this matter).

In accordance with the policies of the Fresno County Local Agency Formation Commission (LAFCO), the City of Kingsburg is required to pre-zone property that is requested for annexation. The R-1-7 zone is proposed for the 82 acres controlled by the applicants Nelson and Crinklaw; the remaining 6.22 acres is proposed to be zoned to the RA district. This district permits larger, rural residential lots and accommodates certain densities of livestock.



The City of Kingsburg Municipal Code Section 17.88.070 requires that the Planning Commission make findings as to whether the Pre-zone will achieve the objectives set forth in Section 17.04.020 of the Kingsburg Municipal Code. The objectives of the Zoning Code are as follows:

- A. To provide a zone plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the general plan.
- B. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas, which exhibit conflicting patterns of use, and the stability of existing land, uses which conform to objectives, policies, principles and standards of the general plan.
- C. To prevent excessive population densities and overcrowding of land with structures.
- D. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.

- E. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base.
- F. To protect and enhance real property values and the city's natural assets.
- G. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the general plan.
- H. To provide and protect open space in accordance with policies of the open space element of the general plan, including avoiding the premature development of prime agricultural lands.

The proposed Pre-Zone satisfies all the objectives identified in Section 17.04.020 of the Kingsburg Municipal Code. The proposed Pre-Zoning is also consistent with the City of Kingsburg's General Plan and North Kingsburg Specific Plan.

Upon annexation, the subject territory will be classified from the county's AE-20 zone to Kingsburg's R-1-7 and RA districts. The R-1-7 district is proposed because all of the lots proposed for the two subdivision tracts exceed 7,000 square feet. This zone is also consistent with the General Plan, which designates the site "medium density residential", and also consistent with the NKSP, which designates the site "residential single-family."

The 6.22-acre rural residential enclave is proposed for reclassification to the RA district. This zone permits large rural residential lots with limited numbers of livestock. This district would afford the property owners in this area the protection of being able to maintain their "rural" lifestyle.

PUDs (planned residential developments)

All development occurring within the NKSP planning area is required to be processed as a planned unit development (PUD). A PUD shall be processed consistent with Chapter 17.76 of the Kingsburg Zoning Ordinance, which is subject to a public hearing before the Planning Commission and notification of surrounding property owners. The PUD must also be reviewed and approved by the City Council. The purpose of a PUD is described in the Kingsburg Municipal Code, Section 17.76.010 as follows:

17.76.010 - Purposes. Planned unit developments (PUD's), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of this title. In certain

instances, the objectives of the general plan and zoning title may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zone plan or the district regulations prescribed by this title. A planned unit development may include a combination of different dwelling types and/or a variety of land uses, which are made to complement each other and harmonize with existing and proposed land, uses in the vicinity, by design. In order to provide locations for such well-planned developments, the planning commission is empowered to grant use permits for planned unit developments, provided that such developments comply with the regulations prescribed in this article. The commission is also empowered to zone lands for PUD under the provisions of Chapter 17.48 of this title. The approval of a PUD that is not designated by the general plan is intended to be discretionary on the part of the city rather than an entitlement of a landowner.

Under the NKSP the subject properties are designated "Residential Single Family" and are contained within "Neighborhood C" of the Plan. Under the design guidelines of the NKSP, low-density residential development is required to achieve certain general design standards, some required and some permissive. Further, the Plan indicates that lots between 7,000 and over 10,000 square feet will account for the majority of North Kingsburg's residential product type, with 25 percent of the lots required to exceed 10,000 square feet within the NKSP planning area. An abbreviated list of the design guidelines for residential development within the NKSP planning area is provided below.

1. Create a streetscape that provides visual quality and variety.
2. Buildings shall be articulated, avoiding a monotonous style with garages dominating the streetscape. There should be a reasonable mix of single and two-story units.
3. For corner lots, the building materials on the front facade should wrap to a logical termination point on the street side yard elevation.
4. At least half of the houses shall have significant single-story elements on the front elevations. Porches and covered entries should be incorporated as part of the architecture.
5. Mechanical equipment is not permitted on the roof.

6. Garages and driveways should not be the primary feature of a house. The residential project should utilize a variety of garage plans. Front-facing three-car garages are discouraged.
7. For corner lots, the garage and driveway are to be placed along the interior side yard, at the rear of the street side yard or with access from the alley. The alternative of providing a side street garage provides the most benefits.
8. A minimum of one-third of the houses in a given block shall have porches. Porches must extend along a minimum of 50 percent of the facade, with a minimum depth of five feet.
9. As with roofs, windows and doors shall vary because of the various elevation styles required among house plans.
10. Within a given architectural style, the exterior shall receive a consistent use of materials and colors on all sides.
11. Mechanical equipment shall be located in the rear yard when the side yard setback is less than seven feet.

The NKSP provides a number of illustrations for proposed typical lot design and building placements. They are not intended to be exhaustive, however, other building placements may be acceptable, subject to the review and approval by the Planning Commission. The Plan recognizes that in order to embrace innovation in design, "conventional" design used in Kingsburg in the past may not be the appropriate design philosophy going forward. Some of these innovations are described below.

- Require access from 16-foot alleys along arterial streets as an alternative to back-on design;
- Eliminate alleys in favor of landscaped pedestrian corridors that are aligned separately from streets;
- Reduce single-family lot size as an incentive to providing amenities such as neighborhood entries, waterways and open space corridors not currently available in subdivisions; and
- Allow an intermingling of various lot sizes to appeal to the full range of age groups being attracted to Kingsburg.

Elevation drawings have not been submitted for residential units within the two pending subdivisions (**Note:** The two applicants are subdividers but may not elect to be the home builders). If the subdivisions are approved without corresponding elevation drawings for homes within the tracts then it will become the responsibility of the city planner to review the design of the residential units at the building permit stage. This could become problematic given that the designs of the home could vary, which is not all bad, and they could trickle in over a multi-year time line.

Subdivisions

It is difficult to require the modification of the subdivision design to be consistent with the design guidelines of the NKSP because the lot patterns and road alignments have already been established by existing adjacent subdivisions. In the case of both subdivisions each design follows a grid pattern with roads running east/west and north/south.

The NKSP requires that each subdivision have 25 percent of its lots to exceed 10,000 square feet. Both subdivisions have met this standard. Further, each subdivision is required to provide pedestrian access to surrounding streets thereby minimizing the use of cars and making for a healthier living environment.

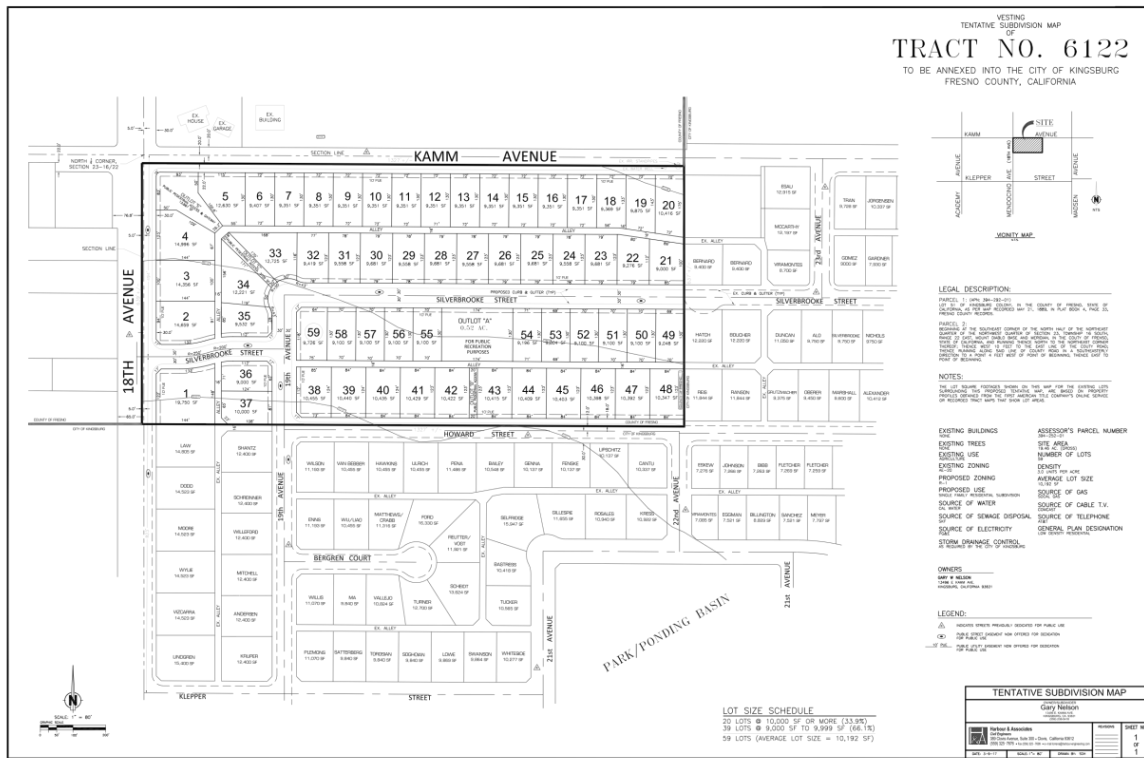
Each subdivision has a centrally located park, which will provide passive recreation opportunities for the neighborhood. On the Kings Tract Subdivision a storm water basin has been combined with the neighborhood park.

The Kingsburg Subdivision Review Committee met to review the proposed tract maps and discuss conditions necessary to serve the subject site. Conditions of approval have been incorporated into the resolution recommending approval of Tract Nos. 6122 and 6167.

In anticipation of additional public service needs created by 180 additional households staff is recommending that the Commission recommend to the Kingsburg City Council that all future annexations consent to becoming a part of Community Facilities District ("CFD"). This District, which is pursuant to the Mello-Roos Community Facilities Act of 1982, permits a city to assess homeowners within the District an assessment that covers the cost of certain public services provided to lands within the District by the City of Kingsburg, similar to a Landscaping and Lighting District.

Vesting Tentative Subdivision Map, Tract No. 6122

The proposed tract map for 59 single-family residential lots is consistent with Kingsburg's Subdivision Ordinance. Tract No. 6122 is a northerly extension of Tract No. 4555 and an easterly extension of Tract No. 4755.



The average lot size exceeds 7,000 square feet with the largest being near 14,000 square feet. The larger lots in the proposed subdivision front onto 18th Avenue while the smaller lots front onto interior streets. There are six corner lots in the proposed subdivision, which should receive special design treatment under the NKSP.

~~As a condition of approval, and a design consideration in the NKSP, staff is recommending that lots 5 through 20 have garages that are alley-loaded. This design feature is discussed in the NKSP. This design feature provides for a more attractive streetscape. Staff is also recommending that a pedestrian pass through connect the corner of 18th Avenue and Kamm with the knuckle of 19th Avenue and Silverbrooke Street.~~

A small neighborhood park will have a central location in the subdivision. A pedestrian pass through will link this park with Howard Street to the south. A

second pedestrian walk thru connects in intersection of 18th Avenue and Kamm with the interior portions of the subdivision.

The street width of the interior streets is 60 feet with a curb-to-curb width of 40 feet. Within the street right-of-way the subdivider is proposing 5-foot sidewalks and 5-foot parkways, which will be planted with street trees, which is consistent with NKSP's design philosophy. At the rear of all 60 lots, the subdivider is proposing a standard alley, which has a width of 16 feet.

The subdivision will be provided with water by the city. The City's water system is composed of six wells that pull water from 500 to 800 feet. According to Peters Engineering (the city engineer), the City has ample water capacity to serve 59 additional single-family residential lots.

The SFK wastewater treatment facility has ample capacity to treat the effluent generated by 59 single-family homes. The type of effluent - residential wastewater - will not create treatment issues for the plant, unlike certain types of industrial users.

Storm water runoff will be conveyed to one of Kingsburg's nearby storm drainage retention ponds. A grading and drainage plan that will be submitted by the developer will determine how and where the storm water will be managed.

The Kingsburg Subdivision Review Committee met to review the proposed tract map and discuss conditions necessary to serve the subject site. Conditions of approval have been incorporated into the resolution recommending approval of Tract No. 6122.

Vesting Kings Estates Tentative Subdivision Map, Tract No. 6167

The proposed tract map for 121 single-family residential lots is consistent with Kingsburg's Subdivision Ordinance in that all lots exceed the minimum parcel size of the R-1-7 district. Further all lots conform to the development standards (e.g. lot width and depth) of this district. A design condition of Kings Estates is to require Solig Avenue to be extended westward from the subject site's southeast corner to Mendocino Avenue. This roadway improvement will ensure that this part of the community will have an effective east/west circulation.

POLICY ALTERNATIVE(S)

NA

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|--------|
| 1. Is There A Fiscal Impact? | Yes |
| 2. Is it Currently Budgeted? | Yes |
| 3. If Budgeted, Which Line? | Varies |

PRIOR ACTION/REVIEW

Approval of the Kingsburg General Plan, Land Use Element, and North Kingsburg Specific Plan both of which details policy and design guidelines for the subject property as well as surrounding properties.

ENVIRONMENTAL REVIEW:

The "project" encompasses four planning applications - annexation, pre-zoning, planned unit development and tentative subdivision map. A negative declaration has been prepared for the project. Staff made the finding that water; traffic, air quality and loss of agricultural land could pose significant impacts; however, these impacts were thoroughly discussed in the EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. The Kingsburg City Council certified both Ears and a "Statement of Overriding Consideration" was recorded with the Final EIR.

ATTACHMENTS:

1. Planned Unit Development Resolution 2016-01, Nelson
2. Planned Unit Development Resolution 2016-02, Crinklaw
3. Tract No. 6122, Nelson, Resolution
4. Tract No. 6167, Crinklaw, Resolution
5. Initial Study for Nelson/Crinklaw Project and Negative Declaration
6. Tract No. 6122 Map, Nelson
7. Tract No. 6167 Map, Crinklaw

Traffic Study for Tract No. 6122 Due to the large size of this document it will be provided upon request

Traffic Study for Tract No. 6167 Due to the large size of this document it will be provided upon request

RESOLUTION NO. 2017 - _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING PLANNED UNIT DEVELOPMENT 2016-01 (NELSON) FOR A SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE USES, LOCATED ON THE SOUTHEAST CORNER OF KAMM AND 18TH AVENUES IN THE CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on May 11, 2017, the application of Gary Nelson for a Planned Unit Development (PUD) to allow 59 single-family residential lots and associated open space uses on 19.46 acres located on the southeast corner of Kamm and Mendocino Avenues in Kingsburg, and

WHEREAS, the APN for the subject site is 394-252-01, and

WHEREAS, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the approval of Planned Unit Development 16-01, Nelson, on May 11, 2017; and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in a local publication ten (10) days prior to the Planning Commission's meeting of May 11, 2017, and

WHEREAS, The Kingsburg Planning Commission finds that PUD 16-01, subject to conditions, is in accordance with and satisfies the requirements of Chapter 17.68 of the Municipal Code of the City of Kingsburg and is consistent with the procedures and design guidelines of the North Kingsburg Specific Plan; and

WHEREAS, the Planning Commission also finds that the conditions for PUD 16-01 will protect and preserve the public health, safety and welfare in the surrounding neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project will not have an adverse impact on the environment and a Negative Declaration has been prepared consistent with the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission makes the following findings as required by Section 17.68.070 of the Kingsburg Municipal Code:

A. That there are circumstances or conditions applicable to the land, structure or use which makes the approval of a planned unit development (PUD) necessary for the

preservation and enjoyment of a private property right. The residential dwellings and their associated streetscape will be constructed on the subject site consistent with the design guidelines of the North Kingsburg Specific Plan.

- B. That the proposed location of the PUD is in accordance with the purpose and intent of the North Kingsburg Specific Plan, which encourages residential development that embraces innovation in design.
- C. That the proposed PUD will comply with each of the applicable provisions of the Zoning Ordinance.
- D. That a Negative Declaration has been prepared consistent with the California Environmental Quality Act and that the City finds that the environmental impacts associated with this "project" have been discussed in previously prepared EIRs for the Kingsburg General Plan and the North Kingsburg Specific Plan. When the Kingsburg City Council certified these EIRs, a "Statement of Overriding Consideration" was adopted for each Final EIR.

NOW THEREFORE BE IT FURTHER RESOLVED that the Kingsburg Planning Commission approves Planned Unit Development 16-01 subject to the following conditions:

1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.
2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.
3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
4. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("**City**"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "**City Parties**") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to PUD 16-03, Erickson ("**PUD**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or

determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the PUD.

5. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the PUD, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the PUD.

6. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the PUD.

7. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the PUD (collectively "**PUD Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the PUD Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

8. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work.

9. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the

costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

10. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the PUD.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 11th day of May 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary
City of Kingsburg

RESOLUTION NO. 2017 -__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING PLANNED UNIT DEVELOPMENT 2016-02 (CRINKLAW) FOR A SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE USES, LOCATED ON THE EAST SIDE OF 18TH AVENUE AND APPROXIMATELY 620 FEET NORTH OF KAMM AVENUE IN THE CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on April 13, 2017, the application of Dave Crinklaw for a Planned Unit Development (PUD) to allow 121 single-family residential lots, and associated open space uses, on 41.7 acres located on the northeast corner of the extension of Solig Avenue and 18th Avenue in Kingsburg, and

WHEREAS, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the approval of Planned Unit Development 16-02 on May 11, 2017; and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in a local publication ten (10) days prior to the Planning Commission's meeting of May 11, 2017, and

WHEREAS, The Kingsburg Planning Commission finds that PUD 16-02 subject to conditions, is in accordance with and satisfies the requirements of Chapter 17.68 of the Municipal Code of the City of Kingsburg and is consistent with the procedures and design guidelines of the North Kingsburg Specific Plan; and

WHEREAS, the Planning Commission also finds that the conditions for PUD 16-02 will protect and preserve the public health, safety and welfare in the surrounding neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project will not have an adverse impact on the environment and a Negative Declaration has been prepared consistent with the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission makes the following findings as required by Section 17.68.070 of the Kingsburg Municipal Code:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the approval of a planned unit development (PUD) necessary for the preservation and enjoyment of a private property right. The residential dwellings and their associated open space, landscaping and streetscape features will be constructed

consistent with the design guidelines of the North Kingsburg Specific Plan.

- B. That the proposed location of the PUD is in accordance with the purpose and intent of the North Kingsburg Specific Plan, which encourages residential development that embraces innovation in design.
- C. That the proposed PUD will comply with each of the applicable provisions of the Zoning Ordinance.
- D. That a Negative Declaration has been prepared consistent with the California Environmental Quality Act and that the City finds that the environmental impacts associated with this "project" have been discussed in previously prepared EIRs for the Kingsburg General Plan and the North Kingsburg Specific Plan. When the Kingsburg City Council certified these EIRs, a "Statement of Overriding Consideration" was adopted for each Final EIR.

NOW THEREFORE BE IT FURTHER RESOLVED that the Kingsburg Planning Commission approves Planned Unit Development 16-02, Crinklaw, subject to the following conditions:

1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines -V-13 to V-19.
2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines - V-27 to V-35.
3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
4. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("City"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "**City Parties**") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to PUD 16-03, Erickson ("**PUD**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the PUD.
5. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of

any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the PUD, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the PUD.

6. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the PUD.

7. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the PUD (collectively “**PUD Work**”). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the PUD Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

8. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the PUD Work.

9. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

10. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage

law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the PUD.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 11th day of May 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary
City of Kingsburg

RESOLUTION NO. 2017 - __

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING , WITH CONDITIONS, VESTING TENTATIVE SUBDIVISION TRACT MAP NO. 6122, NELSON, LOCATED ON THE SOUTHEAST CORNER OF KAMM AND 18TH AVENUES, CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on May 11, 2017, the application of Gary W. Nelson for a vested tentative subdivision map to create e 59 single-family residential lots, and associated open space uses, on 19.46 acres located on the southeast corner of Kamm and Mendocino Avenue in Kingsburg; and

WHEREAS, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepting written and oral testimony both for and against the approval of Vesting Tentative Subdivision Tract Map No. 6122 on May 11, 2017; and

WHEREAS, The Kingsburg Planning Commission finds that the proposed tentative subdivision map, subject to conditions, is in accordance with and satisfies the requirements of the Subdivision Ordinance of the City of Kingsburg; and

WHEREAS, the Planning Commission also finds that the conditions for Vesting Tentative Tract Map No. 6122 will protect and preserve the public health, safety and welfare of the surrounding neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project is will not have an adverse impact on the environment and a negative declaration has been prepared consistent with the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission makes the following findings:

1. The subject property is within the Kingsburg Sphere of Influence and therefore is appropriate for annexation into the city limits consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The subject property is within the North Kingsburg Specific Plan and is designated "Residential Single Family". The subject site is within Neighborhood C of the Plan.
3. A zone change has been processed on the subject property, changing the zoning from the county's AE-20 district to Kingsburg's R-1-7 district.

4. A planned unit development (PUD) has been processed for the residential development proposed for the subject site. The PUD required that the proposed residential development be constructed consistent with certain design guidelines detailed in the NKSP.

5. The proposed tentative subdivision map will not have an adverse impact on the public health, safety or welfare.

6. A negative declaration has been prepared for the Nelson/Crinklaw project consistent with the California Environmental Quality Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Kingsburg Planning Commission approves Vesting Tentative Tract Map No. 6122 subject to the following General Conditions and Conditions of Approval as follows:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. **All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.**
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. The applicant shall pay all fees as required by existing ordinances and schedules.
5. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.

Final Map:

6. A right to farm covenant shall be recorded prior to recordation of the final map.
7. In addition to the provisions in Section 18 of the City of Kingsburg Improvement Standards; the project Lighting and Landscape Maintenance District shall also include provisions for maintenance, parks, trails, local streets and alleys.

Circulation:

8. Applicant shall pay their fair share cost of a traffic study to evaluate project impacts in accordance with the City of Kingsburg Traffic Study Guidelines.
9. Street widths shall comply with the City of Kingsburg Improvement Standards.
10. Applicant shall provide a 35 foot street dedication to develop the 95' right-of-way section along 18th Avenue.
11. Applicant shall provide a 22 foot street dedication to develop the 84' right-of-way section along Kamm Avenue.

12. Applicant shall construct frontage improvements along 18th Avenue and Kamm Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
13. Applicant shall install a stop sign on the eastbound approach of Howard Street and 19th Avenue to eliminate right of way conflicts associated with the extension of 19th Avenue.
14. Applicant shall restripe and provide a two-way left turn lane along 18th Avenue between Klepper Street and Kamm Avenue to facilitate turns into and out of the new Silverbrooke Street intersection at 18th Avenue.
15. Applicant shall coordinate with and obtain Encroachment Permits from Fresno County for any work within the County jurisdiction.
16. Applicant shall furnish and install street name signage within the subdivision conforming to City of Kingsburg standards.
17. Applicant is required to acquire and dedicate any right of way necessary as well as provide necessary street barricades and transitions of improved streets where they conform to existing street sections.

Water:

18. Applicant shall install a minimum 12-inch water main in the Kamm Avenue frontage to provide domestic and fire water service to the project. A 2-inch blowoff shall be installed at the waterline's eastern terminus.
19. Applicant shall install a minimum 8-inch water main within the subdivision to provide services to each lot. Water services shall be installed in accordance with City of Kingsburg standards.

Sewer:

20. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

Grading and Drainage:

21. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
22. Project drainage shall be directed to the Erling Basin. Applicant shall install all storm drainage facilities necessary to convey water to the Erling Basin as determined by the City Engineer.
23. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the

project site during the construction and warranty periods and be submitted to the City prior to the start of construction.

24. As part of the mitigation measures for soil erosion, the Applicant shall be responsible for street sweeping during the one-year warranty period.

Park / Aesthetics:

25. The Applicant shall provide and install a minimum 15 gallon street trees with root barriers to City Standards for each lot at a location along the front property line.
26. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
27. Applicant shall perform landscape maintenance within the street rights of way for a period of one-year after acceptance of the tract improvements by the Council. Maintenance includes all irrigation system repairs and replacement of stressed or dead plants.
28. Applicant shall dedicate and develop pedestrian access and public park space. Park space shall include play equipment, shade structures, drinking fountain, and seating as determined by staff. Pedestrian access areas shall include an 8-foot wide sidewalk, landscaping, and entry monumentation near the 18th Avenue / Kamm Avenue intersection.
29. All existing overhead utilities adjacent to the subdivision shall be undergrounded, including transformers.
30. All electric, cable TV, telephone, internet, etc. services shall be provided to the subdivision and shall be undergrounded (including conveyance facilities).
31. The Applicant shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
32. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.
33. Applicant shall construct a 6-foot decorative masonry wall in locations where a lot is adjacent to open space.

Irrigation:

34. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
35. All abandoned irrigation lines serving the property shall be removed.

Defense and Indemnification:

36. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("**City**"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "**City Parties**") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to Vesting Tentative Map No. 6151, Erickson ("**Vesting Map**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Vesting Map.
37. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Vesting Map, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Vesting Map.
38. Applicant agrees the City may, at any time, require the Applicant to reimburse the

City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Vesting Map.

39. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Vesting Map (collectively "**Subdivision Work**"). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Subdivision Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
40. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work.
41. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
42. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be,

incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Vesting Map.

Community Facilities District:

43. All the land within the subdivision shall be annexed into and become part of a Community Facilities District ("CFD") to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the subdivision into the CFD and consent to any tax imposed upon the land within the subdivision used to fund and finance authorized services eligible to be funded and financed by the CFD.

* * * * *

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 11th day of May 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission
Secretary City of Kingsburg

RESOLUTION NO. 2017 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING , WITH CONDITIONS, VESTING TENTATIVE SUBDIVISION TRACT NO. 6167, CRINKLAW, LOCATED ON THE NORTHEAST CORNER OF THE SOLIG AVENUE ALIGNMENT AND MENDOCINO AVENUE, CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on May 11, 2017, the application of David Crinklaw, 13837 S. Zediker, Kingsburg, CA. 93631 for a vested tentative subdivision map to create 121 single-family residential lots, and associated open space uses, on 41.7 acres located on the northeast corner of the Solig Avenue alignment and Mendocino Avenue in Kingsburg; and

WHEREAS, the APNs for the subject property are 393-123-26 and 393-123-27, and

WHEREAS, the Kingsburg Planning Commission did conduct a duly-noticed public hearing, accepted written and oral testimony both for and against the approval of Vesting Tentative Subdivision Tract No. 6167, Crinklaw, on May 11, 2017; and

WHEREAS, The Kingsburg Planning Commission finds that the proposed tentative subdivision map, subject to conditions, is in accordance with and satisfies the requirements of the Subdivision Ordinance of the City of Kingsburg; and

WHEREAS, the Planning Commission also finds that the conditions for Vesting Tentative Tract No. 6167, Crinklaw, will protect and preserve the public health, safety and welfare of the surrounding neighborhood and the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project is will not have an adverse impact on the environment and a negative declaration has been prepared consistent with the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission makes the following findings:

1. The subject property is within the Kingsburg Sphere of Influence and therefore is appropriate for annexation into the city limits consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The subject property is within the North Kingsburg Specific Plan and is designated "Residential Single Family". The subject site is within Neighborhood C of the Plan.
3. A zone change has been processed on the subject property, changing the zoning from the county's AE-20 district to Kingsburg's R-1-7 and RA districts.
4. A planned unit development (PUD) has been processed for the residential development proposed for the subject site. The PUD required that the proposed residential development be constructed consistent with certain design guidelines detailed in the NKSP.
5. The proposed tentative subdivision map will not have an adverse impact on the public health, safety or welfare.
6. A negative declaration has been prepared for the Nelson/Crinklaw project consistent with the California Environmental Quality Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Kingsburg Planning Commission approves Vesting Tentative Tract No. 6167, Crinklaw, subject to the following General Conditions and Conditions of Approval as follows:

Conditions of Approval:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. **All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.**
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. The applicant shall pay all fees as required by existing ordinances and schedules.
5. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.

6. The existing home and improvements shall be demolished in accordance with City of Kingsburg and San Joaquin Valley Air Pollution Control District requirements.

Final Map:

7. A right to farm covenant shall be recorded prior to recordation of the final map.
8. In addition to the provisions in Section 18 of the City of Kingsburg Improvement Standards; the project Lighting and Landscape Maintenance District shall also include provisions for maintenance of park, trails, local roads and alleys.

Circulation:

9. Applicant shall pay their fair share cost of a traffic study to evaluate project impacts in accordance with the City of Kingsburg Traffic Study Guidelines.
10. Street widths shall comply with the City of Kingsburg Improvement Standards.
11. Direct vehicular access to 18th Avenue from Lots 1, Lots 24-28, and Lots 115-121 be restricted. A 6 foot decorative block wall shall be constructed along the entire frontage along 18th Avenue. The walls shall step down or flare at the site access streets as determined by the City Engineer to accommodate appropriate vehicular site distances.
12. Applicant shall provide street dedications to develop the 116' right-of-way section along 18th Avenue.
13. 18th Avenue shall be developed with a raised center median as shown in the NKSP.
14. Streets stubbed for circulation into future developments shall have street barricades at their terminus.
15. A 2/3 width right-of-way shall be provided along the Solig Avenue frontage. Applicant shall make dedications as necessary to accommodate the 2/3 street. Street section shall include an 8-foot wide pedestrian pathway to adjoin a similar facility at the east boundary of the propose tract.
16. Applicant shall construct frontage improvements along 18th Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
17. Applicant shall coordinate with and obtain Encroachment Permits from Fresno County for any work within the County jurisdiction.
18. Applicant shall furnish and install street name signage within the subdivision conforming to City of Kingsburg standards.

19. Applicant is required to acquire and dedicate any right of way necessary as well as provide necessary street barricades for transitions of improved streets where they conform to existing street sections.

Water:

20. Applicant shall install a minimum 12-inch water main in 18th Avenue and 8-inch water main in Solig Avenue to provide domestic and fire water service to the project.
21. Applicant shall install a minimum 8-inch water main within the subdivision to provide services to each lot. Water services shall be installed in accordance with City of Kingsburg standards.

Sewer:

22. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

Grading and Drainage:

23. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
24. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
25. As part of the mitigation measures for soil erosion, the Applicant shall be responsible for street sweeping during the one-year warranty period.

Park / Aesthetics:

26. The Applicant shall provide and install a minimum 15 gallon street trees with root barriers to City Standards for each lot at a location along the front property line.
27. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
28. Applicant shall perform landscape maintenance within the street rights of way for a period of one-year after acceptance of the tract improvements by the Council. Maintenance includes all irrigation system repairs and replacement of stressed or dead plants.
29. Applicant shall dedicate and develop pedestrian access and public park space. Park space shall include play equipment, shade structures, drinking

fountain, and seating as determined by staff. Pedestrian access areas shall include an 8-foot wide sidewalk, landscaping, and entry monumentation near the 18th Avenue / Kamm Avenue intersection.

30. The drainage basin developed (Outlot 'A') shall be joined with the existing basin to which it abuts and shall be landscaped and fenced as approved by the City Engineer. The intent is to develop usable recreation space when the basin is not being utilized as storm water storage.
31. Any proposed entry signage shall be approved through the Building and Planning Department.
32. Applicant shall construct a 6-foot decorative masonry wall in locations where a lot is adjacent to open space.

Utilities:

33. All existing overhead utilities adjacent to the subdivision shall be undergrounded, including transformers.
34. All electric, cable TV, telephone, internet, etc. services shall be provided to the subdivision and shall be undergrounded (including transformers).
35. The Applicant shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
36. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

37. The 320 foot wide irrigation easement shall be vacated or terminated as shown on the tentative tract map.
38. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
39. All abandoned irrigation lines serving the property shall be removed.

Defense and Indemnification:

40. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("City"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "City Parties") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs,

including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any land use entitlements or any other approvals relating to Vesting Tentative Map No. 6151, Erickson ("**Vesting Map**"). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Vesting Map.

41. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Vesting Map, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Vesting Map.
42. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Vesting Map.
43. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Vesting Map (collectively

“Subdivision Work”). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Subdivision Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.

44. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work. Applicant's obligation to defend, indemnify and hold the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work.
45. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
46. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Vesting Map.

Community Facilities District:

47. All the land within the subdivision shall be annexed into and become part of

a Community Facilities District ("CFD") to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the subdivision into the CFD and consent to any tax imposed upon the land within the subdivision used to fund and finance authorized services eligible to be funded and financed by the CFD.

Indemnification:

48. That the applicant indemnify the City of Kingsburg against any legal actions resulting from the processing and approval of Vesting Tentative Subdivision Tract No. 6167, Crinklaw.

* * * * *

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 11th day of May 2017, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission
Secretary City of Kingsburg

INITIAL ENVIRONMENTAL STUDY

1.0 PROJECT OVERVIEW

BACKGROUND

Applicants: Gary W. Nelson and David Crinklaw

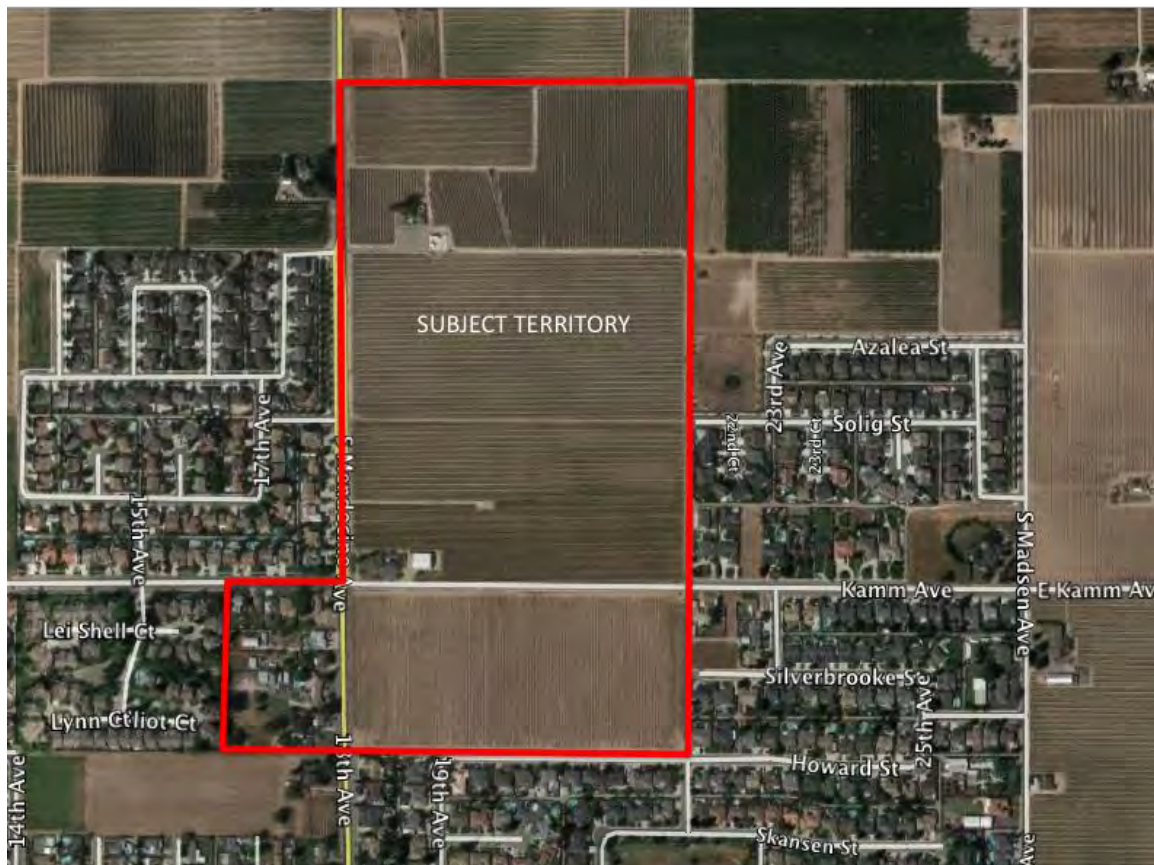
Location:

The subject territory is generally located south of Caruthers Avenue, north of Howard Street and situated on both sides of Mendocino Avenue, containing approximately 88 acres. The subject territory is contained in the following APNs: 393-123-29 (1.0 ac.), 393-123-26 (20.85), 393-123-27 (20.85), 393-123-28 (19.7), 394-252-01 (19.6), and 394-070-02, 03, 04, 05, 06, 08, 09, 10, 12, 13, and 14.

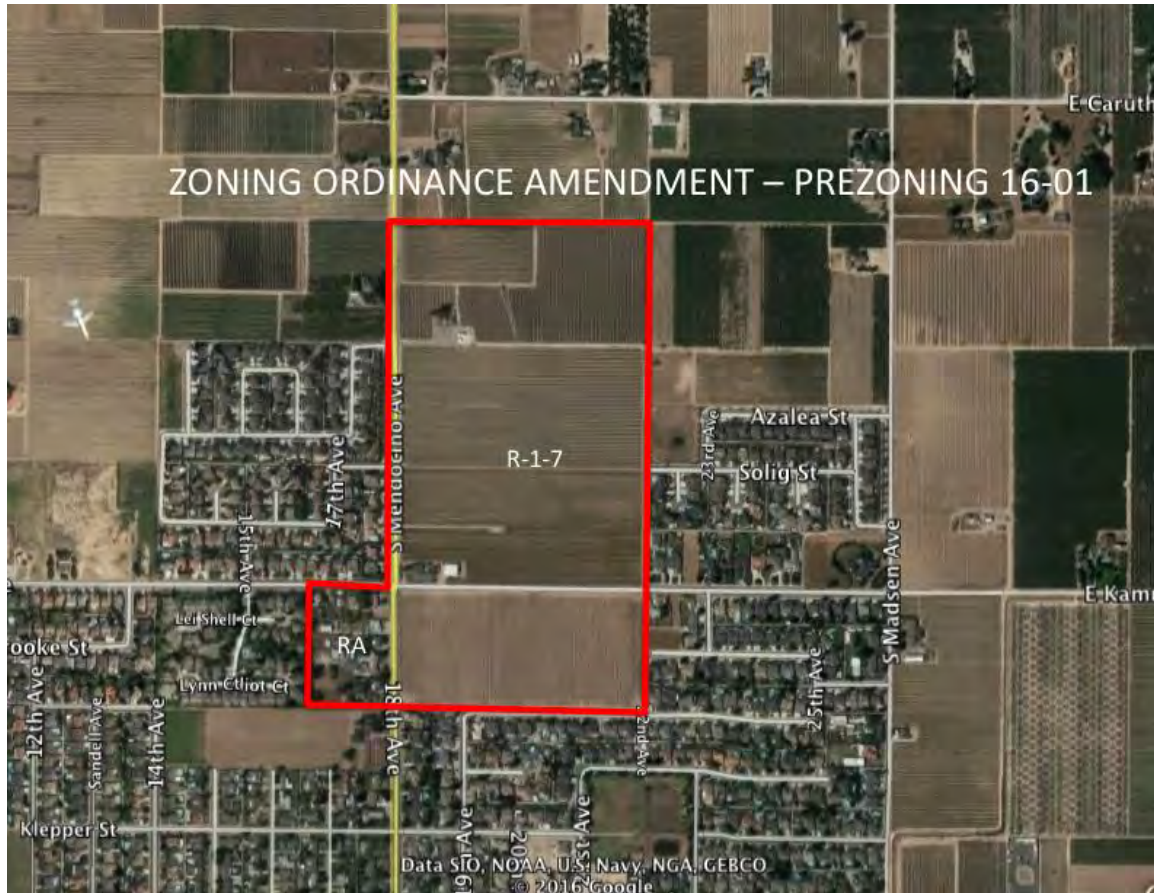
Request:

Two property owners who control most of the property inside the subject territory are initiating four planning requests. These requests are:

- 1) Reorganization (annexation) of 88 acres to the City of Kingsburg and detachment of same from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District.



2) Pre-zone 88 acres of land from the county's AE-20 (exclusive agriculture, 20-acre minimum) zone to Kingsburg's R-1-7 (single-family residential, one unit per 7,000 square feet) and RA (rural agriculture) zones;



3) Approval of two planned unit developments (PUDs), which involve single-family residential uses and associated open space features;

4) Approval of two vesting tentative subdivision maps - Tract No. 6122, 59-lot single family residential subdivision and Tract No. 6167, Dave Crinklaw, 121-lot single-family residential subdivision. (**Note:** Prior to the consideration of the aforementioned subdivision maps, the applicants were responsible for requesting an "award allocation" from the Kingsburg City Council consistent with Chapter 16.09 Growth Management System of the Municipal Code. The planning commission and city council awarded the allocation for 59 and 121 single-family residential lots on the subject properties.)





Zone:

The subject property is zoned AE-20 (exclusive agriculture, 20-acre minimum) and RA (rural residential).

General Plan:

The Kingsburg General Plan designates the subject property for "low density residential"; the North Kingsburg Specific Plan classifies the property as "residential single family." The proposed zoning (R-1-7 and RA) is consistent with the Kingsburg General Plan and North Kingsburg Specific Plan.

Site:

The subject property contains a rural residential enclave containing 11 residences and associated outbuildings on 6.22 acres, and approximately 82 acres of farmland with two farmhouses and auxiliary buildings. Surrounding land uses are as follows:

North: agriculture
East: single family dwellings and agriculture
West: single family dwellings and agriculture
South: single-family dwellings

There are three distinct sub-planning areas within the subject territory. They are:

- 6.22 acre site that contains a rural residential enclave of 11 residential structures and an assortment of out buildings.
- The Crinklaw property containing 41.7 acres. This property is proposed for 121 single-family dwellings and associated open space features - park, pedestrian pathways and storm drainage ponds.
- The Nelson property contains 40 acres. The 20 acres located on the south side of Kamm Avenue is slated for 59 single-family residential units and park space. The 20 acres located north of Kamm Avenue, which is currently being farmed, is not slated for development at this time.

Water:

Water will be provided to the site by the City of Kingsburg.

Sewer:

The SKF County Sanitation District will provide sewer collection and treatment.

Storm Drainage:

Storm water management is provided by the City of Kingsburg through a system of curbs and gutters, drop inlets, storm water lines and retention basins. All storm water emanating from each (and future) subdivision will be diverted to a retention basin.

Police and Fire Services:

Police protection and fire suppression will be provided by the City of Kingsburg.

2.0 DISCUSSION OF POTENTIAL ENVIRONMENTAL IMPACTS

This section of the Initial Study analyzes potential impacts of the proposed project. For each topic issue a determination of the magnitude of the impact is made (via checklist) and then the impact is analyzed and discussed. Where appropriate, mitigation measures are identified that will reduce or eliminate an impact.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

1. Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will have an adverse impact on the visual environment because eventually 82 acres of open space will be urbanized, however, this impact was acknowledged in the EIRs prepared for Kingsburg's General Plan and North Kingsburg Specific Plan. The Kingsburg City Council for both planning documents adopted a "Statement of Overriding Consideration" when the Final EIR was certified.

2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are not any significant scenic resources on the subject property including trees, rocks or historic buildings. There is however, an older farmhouse located on the north end of the Crinklaw property. The owner has not expressed an opinion on what will be done with the farmhouse. One alternative would be to integrate it into an on-site open space feature thereby conserving the home, or relocate the farmhouse to another location.

3. Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will be consistent with the visual character of the immediate neighborhoods in that residential uses bound the subject territory on three sides. The proposed residential development will be an extension of the type of residential development that exists immediately south, east and west of the subject properties.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
4. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The only new source of light that will be introduced into the area will be street lighting that will be installed when the subdivisions are constructed. There will be new lighting associated with each new residence constructed, however, this will be compatible with light produced by adjacent residential uses that currently bound the subject properties on three sides.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project will urbanize approximately 82 acres of land that is currently used for row crops and vineyards. The environmental impact of this urbanization was acknowledged in the EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for each of these environmental documents, when the Final EIR was certified by the Kingsburg City Council.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed subdivisions are not under an agricultural preserve contract nor will they adversely impact existing agricultural operations since land on three sides of the subject territory are currently urbanized. Land north of Kings Estates will remain in farming for the near term although this property is within Kingsburg's Sphere of Influence and could be developed at a later date.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The subject property is not zoned for forestry and is not forested.

4. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The subject territory is not forested and the project will not impact forest land.

5. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will result in the conversion of farmland to non-farmland uses. The impact of this conversion was discussed in the EIRs prepared on the Kingsburg General Plan and the North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was approved for each EIR that acknowledged the environmental impact of converting farmland to non-farmland uses.

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	<u>No</u> <u>Impact</u>
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

1. Conflict with or obstruct implementation of the applicable air quality plan?

☐ ☐ ☒ ☐

Discussion: The project will have little if any impact on the Air District's Air Quality Plan. Given that the project is an urban infill project, the VMT generated by this project will be significantly less than a similar residential project constructed on the fringe of the community. Further, because the subdivisions are in close proximity to downtown Kingsburg, local schools and parks, many persons will walk to these destinations rather than drive. Further, under the North Kingsburg Specific Plan each new development is required to design for pedestrian accessibility to adjacent subdivisions and streets that bound each development. This reduces the dependency on cars when making short trips to neighbors, local parks and schools, or neighborhood shopping centers.

In addition, the urbanization of the North Kingsburg Specific Plan planning area and its impact on air quality was discussed in the Final EIR that was certified by the Kingsburg City Council. The City Council adopted a "Statement of Overriding Consideration" when the Final EIR was certified.

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐ ☐ ☒ ☐

Discussion: The project will not violate any air quality standards. Air emissions will be generated during the construction phase of the project but the Air District's fugitive dust rules will ensure that the project will not violate the District's standards for dust emissions.

2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
(including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will not generate significant criteria pollutants for which the region is non-attainment nor will emissions exceed thresholds established by the SJVAPCD for ozone precursors. The impact of urban development within the project area on air quality was discussed in the EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for both Final EIRs.

The North Kingsburg Specific Plan provides design guidelines that promote both connectivity in regards to street patterns and pedestrian access to adjacent neighborhoods, parks and other destination points. These design standards reduce vehicle miles traveled thereby mitigating the impact residential development has on local air quality.

3. Expose sensitive receptors
substantial pollutant concentrations?
- ☐ ☐ ☐ ☒

Discussion: Residents that live in the proposed subdivisions will not be exposed to any substantial pollutant concentrations - three sides of the subject territory are occupied by residential subdivisions. North of the subject territory land will remain under agricultural product but residential uses will be buffered from this use by a 6-foot block wall, a 16-foot alley and a rear yard setback area behind each home.

4. Create objectionable odors affecting
a substantial number of people?
- ☐ ☐ ☒ ☐

Discussion: The project is not expected to result in odors that will affect residents on or adjacent to the site. The construction of the subdivisions will not create any odors that will be obnoxious to surrounding residents. In fact, agriculture that recently existed on the sites generated more odors than the proposed residential subdivision.

IV. BIOLOGICAL RESOURCES -- Would the project:

1. Have a substantial adverse effect,
either directly or through habitat
modifications, on any species

	Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will not have an adverse impact on special status species - plants or animals. Because the subject properties were intensively farmed for over 40 years, the likelihood of any special status species inhabiting the sites is remote especially given the cultural practices associated with farming - spraying, picking, hedging, irrigating and mowing/discing.

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

☐ ☐ ☒ ☐

Discussion: There is no riparian woodland that exists within the subject territory nor is there any sensitive natural communities within the subject area or nearby. The territory is currently under agricultural production and therefore any native habitat was removed in favor of agricultural crops.

3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐ ☐ ☒ ☐

Discussion: The subject properties do not contain a wetland as defined by Section 404 of the Clean Water Act. Further, the territory does not contain any soil types that are associated with wetlands, called hydrophytic soils.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will not impede the migration of fish or wildlife species. The territory is currently under agricultural production and does not contain any watercourses or native habitat.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no local policies or ordinances in Kingsburg protecting biological resources.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no adopted habitat conservation plans that apply to the project area.

V. CULTURAL RESOURCES --

Would the project:

1. Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are no historical structures on the site nor has the site been identified by the Southern San Joaquin Valley Archaeological Information Center as a site that

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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contains a historical resource. The proposed project will not have an adverse impact on historical resources according to the EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for both Final EIRs.

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Although there are no known archaeological resources located within the subject territory, the proposed project could result in disturbance of subsurface archaeological resources during excavation and/or grading. If this occurs, the developer will comply with the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources, if during the course of development on the sites archeological or human remains are encountered.

3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Although there are no known paleontological resources located in the study area, the proposed project does have the potential to directly or indirectly destroy a paleontological resource. If any cultural or paleontological materials are uncovered during project activities, work in the area shall halt until a professional cultural resources evaluation and/or data recovery excavation can be planned and implemented.

4. Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Due to past disturbance of the site's soils it is unlikely that any human remains exist within the subject territory. However, should any human remains be discovered during grading and construction, the Fresno County Coroner must be notified immediately. *(The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).*

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: While Kingsburg is located in an area that is subject to ground shaking from earthquakes, the distance to faults that will be the likely cause of ground motions is sufficient so that potential impacts are reduced. The City requires all new structures to be built in Kingsburg be consistent with Zone II seismic standards of the Uniform Building Code.

2. Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: With incorporation of Zone II seismic standards, the potential for significant impacts on residential development due to seismic ground shaking will be minimal.

3. Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The sandy loam soils located throughout the project area are not subject to liquefaction.

4. Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project area occupies level ground and therefore the potential for landslides is remote.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
5. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The project area occupies level ground and the project area soils do not contain erosive qualities. Therefore, the potential for soil erosion or loss of topsoil is remote.

6. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Soils on the project site (Delhi loamy sand) are considered to be stable. Further, the project area occupies relatively level ground and therefore the potential for unstable construction conditions are less than significant.

7. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not located on expansive soils.

8. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed subdivisions will be required to connect to the city's sewer system when residential construction commences.

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	<u>No</u> <u>Impact</u>
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VII. GREENHOUSE GAS**EMISSIONS:** Would the project:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☒ ☐

Discussion: Greenhouse gas emissions (GHG) are emissions of various types of gases that are believed to be causing an increase in global temperatures, which is affecting the world's climate patterns. Scientists recognize GHG resulting from human activities, particularly the use of machinery that burns fossil fuels for power. Key greenhouse gases include carbon dioxide, methane, nitrous oxide, and hydro fluorocarbons.

Greenhouse gas emissions will occur primarily during the construction of the project, generated by the operation of motorized equipment. Each single-family unit will also generate green house gases primarily from home heating and cooling and the operation of motorized vehicles. The volume of GHG generated by 82 acres of single-family residential subdivision is insignificant when compared to emissions generated by the City of Kingsburg or the Valley as a whole. Due to energy conservation regulations (Title 24) implemented throughout the State, motorized vehicles becoming more fuel efficient, installation of solar panels on single-family residential dwellings, and incorporation of pedestrian friendly design features as per the North Kingsburg Specific Plan, single-family dwellings of today will generate less GHG than dwellings that were built 10 or 20 years ago.

2. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

☐ ☐ ☒ ☐

Discussion: The Kingsburg General Plan does not have any plans, policies or regulations pertaining to the regulation of greenhouse gas emissions, however, design standards contained in the North Kingsburg Specific Plan do attempt to create a pedestrian-friendly living environment thereby promoting walking and biking and less dependence of motorized vehicles. Further, recent updates to the 2016 Building Code will increase the "R" Factor in the walls of the residential dwellings that will be constructed after January 1, 2017.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will not involve the transport, use or disposal of hazardous materials. Mendocino and Kamm Avenues may periodically be used for the transportation of hazardous materials; however, the likelihood of spills occurring adjacent to the subject subdivisions is very remote.

2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project does not involve the handling, storage or transportation of hazardous materials.

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project does not involve the handling, storage or transportation of hazardous materials.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not included on any list of known hazardous materials sites compiled pursuant to Government Code Section 65962.5.

4. For a project located within an airport land use plan or, where such a

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The subject area is not adjacent to a public or private airport.

5. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The subject area is not adjacent to a public or private airport.

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed subdivisions are not adjacent to a roadway, highway or freeway that serves as a major route for the movement of emergency vehicles. Should these types of vehicles utilize 18th or Kamm Avenues, traffic exiting these proposed subdivisions would be restricted from entering these roadways until emergency vehicles have cleared the intersections along these two roadways.

7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are no wildlands on the project site that might be the source of a fire.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -- Would the project:

1. Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There will be no discharge of runoff into any surface waters. Storm water runoff will be diverted to drop inlets throughout the subdivisions and this runoff will be diverted to nearby storm water basins.

2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subdivision will assist in the depletion of the local aquifer because each residence will consume on average about 1050 gallons per day - less in winter months and more in summer months. The city now requires water meters for all new residential development. This metering will serve to reduce water consumption; however, the entire Kings River Basin is in an overdraft condition and therefore any pumping of water from the underlying aquifer in the Kingsburg area aggravates the overdraft condition.

Based on the above water consumption figures, the project will not have a significant impact on the ground water environment but it will have a cumulative impact on the Kings River Water Basin's aquifer. Metering of water usage and complying with the State's mandate for reduced water consumption will reduce the project's impact on the cumulative impact of ground water consumption.

The EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan acknowledged the impact of development on the Kings River Water Basin aquifer. A Statement of Overriding Consideration was prepared for each EIR and was certified by the Kingsburg City Council.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The project area's drainage patterns will not be significantly altered. All the drainage that emanates from the subdivision sites will be diverted to Kingsburg's storm drainage system through a series of drop inlets and storm drainage pipes.

4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Surface runoff will be transported from the site by means of the subdivision's storm water drainage system, which is composed of gutters, drop inlets and storm drainage pipes. Through this system storm water will be diverted to Kingsburg's system of storm drainage ponds.

5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: All storm water runoff will be retained in Kingsburg's storm water retention basins. This basin system has the capacity to accommodate the additional runoff that will be generated by the proposed subdivisions.

6. Otherwise substantially degrade water quality?				
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: No aspect of the project is expected to degrade water quality. No water from the site will enter any adjacent surface water systems and therefore water quality will not be degraded.

7. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subject territory is not within a 100-year floodplain.

8. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subject territory is not within a 100-year floodplain and therefore floodwaters will not be impeded by structures built in the project area.

9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project site is located downstream from Pine Flat Dam, which holds back the Kings River. A break in the dam could potentially flood the subject property depending upon what time of year the dam would break, and more importantly, the amount of water behind the dam. The probability of a dam break is extremely low.

10. Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is located about 100 miles inland from the Pacific Ocean, the closest source of a seiche or tsunami. There are no aspects of the project that reasonably present the danger of a mudflow.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -

Would the project:

1. Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project will not physically divide the Kingsburg community. The site is located on the north side of the community and represents a logical extension of the urbanized part of the city.

2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is consistent with the Land Use Element of the General Plan as well as the North Kingsburg Specific Plan, which designates the property for "residential single family" uses. The proposed subdivision and its associated residential dwellings will be constructed consistent with the design guidelines of the North Kingsburg Specific Plan, Neighborhood C.

3. Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not subject to any habitat or natural community conservation plans.

XI. MINERAL RESOURCES -- Would the project:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The site is not known to harbor mineral resources that would be valuable to the region. The site is not on a floodplain, which is an area that normally supports sand and gravel resources.

2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The site is not known to harbor mineral resources that would be valuable to the region.

XII. NOISE -- Would the project result in?

1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project will not generate any excessive noise nor will it expose persons to excessive noise levels. Because the subject subdivisions are generally bounded by existing residential uses, the likelihood of future residents being exposed to excessive noise levels is remote. Further, roadways that surround the subject properties do not have significant levels of car or truck traffic to generate a significant amount of roadway noise. Also along all major roadways the developer is required to construct 6-foot solid block walls between these roadways and the residential dwellings. This will significantly attenuate traffic noise.

2. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There is no significant ground borne vibrations in the project area or on surrounding properties.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will not increase ambient noise levels on lands adjacent to the subject property. The transition of the subject properties from agriculture to single-family development will reduce the level of noise being generated from the sites. Farming practices are generally noisier than single-family subdivisions in that they operate larger equipment.

4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Construction activities associated with residential development creates very little noise compared to construction associated with commercial or industrial development. As individual homes, roads and infrastructure are being constructed, noise beyond ambient levels will be generated, however, this increase in noise levels will only occur during day time hours and will only last for the period of time that it takes to complete the subdivision project. When all construction within the development has been completed the project will have a less than significant impact on the noise environment.

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project site is not within an airport land use plan and therefore will not be subjected to any noise generated by air traffic.

6. For a project within the vicinity of a private airstrip, would the project				
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is not located within the vicinity of any private airstrips.

XIII. POPULATION AND HOUSING

-- Would the project:

1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is not considered to be growth-inducing but growth-accommodating. Some households will relocate to Kingsburg to take advantage of the newer housing that will be provided by the project while other households will move into these new homes from existing homes in the community. The construction of 180 new single-family dwellings (and a potential for 60 more units on the 20-acre vacant parcel just north of Kamm Avenue) is deemed an insignificant growth-inducing project when compared to Kingsburg's population of 11,685 and its housing unit count of 4,115 units.

The growth-inducing impacts associated with the adoption of the Kingsburg General Plan and North Kingsburg Specific Plan were discussed in the EIRs prepared for each of these documents. A "Statement of Overriding Considerations" was approved for the two documents when each EIR was certified by the Kingsburg City Council.

2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Two dwelling units could be demolished (or relocated) as a result of this project. Their demolition or relocation will occur when the Crinklaw subdivision is developed and the 20-acre parcel of land north of Kamm Avenue is developed.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Two dwelling units could be demolished (or relocated) as a result of this project. Their demolition or relocation will occur as the Crinklaw property and the 20-acre parcel of land on the north side of Kamm Avenue is developed.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project area is served by the City of Kingsburg's fire department. The Department has one full-time Fire Chief, three-full time Captain/Paramedics, six full-time Firefighter/Paramedics, and up to 20 Paid Call Firefighters who are responsible for responding to emergency situations and respond to both fire and emergency medical service. This Department is fully staffed 24 hours a day 365 days a year. A city fire station located at 1460 Marion Street is 2 miles from the subject territory. The subject territory is within a 5-minute response time of the Marion Street fire station.

Each residential dwelling in the project area will be assessed a public safety impact fee. These funds will be used to purchase equipment to respond to growth and development in the community. Under the Uniform Building Code all residential dwelling are required to install sprinkler systems. Fire hydrants will be required to be installed throughout the subdivision. The public safety impact fee plus the installation of sprinklers and fire hydrants will reduce the project's impact on fire safety to a less than significant level.

Police protection?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The subject property receives police protection services from the Kingsburg Police Department. The Department is headquartered in facilities located at the Kingsburg Police Department located at 1300 California Street in Kingsburg. The project site is within the current patrol area of the police department to respond to new residential growth occurring in the community.

New residential development is required to pay Kingsburg's public safety impact fee. A portion of this fee helps purchase equipment and vehicles for the police department.

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The construction of 180 single-family dwellings, and a potential of 60 more with the development of a 20-acre vacant parcel that is a part of the proposed annexation, will generate approximately .75 school-aged children per unit, or about 180 school-aged students once the subject territory is fully developed.

Kingsburg's school system includes public and charter schools. Within the greater Kingsburg area there are six elementary schools, five middle schools and two high schools. Assuming that these 180 students are equally distributed over these 13 schools, each school would need to accommodate 14 additional children once the subject territory has been build out. This number of additional students is insignificant when compared to the total number of students in each school. Further, this influx of school-aged children will most likely occur over a three to ten year period.

New residential development is required to pay school impact fees. These funds finance future school construction and/or expansion that result from student growth from new residential development. The payment of school impact fees will reduce the project's impact on the local school district to a less than significant level.

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The construction of 240 single-family dwellings will not have a significant impact on Kingsburg's park system in that the system can absorb additional persons on the grounds and within the buildings of Kingsburg's park and recreation system.

New residential development is required to pay park impact fees. These funds finance future park construction or expansion. In the case of both the Nelson and Crinklaw

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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subdivisions, in lieu of paying a park fee the developers will be required to dedicate and construct a park within each of the proposed subdivisions.

In regard to the Crinklaw Subdivision, the park will be constructed adjacent to the land dedicated for storm water retention. During certain periods of the year this storm drainage pond can be used for passive recreation (e.g. soccer field). The adjacent park will be used for active recreation. A walking trail is proposed to connect the active park area with the storm drainage pond.

The Nelson Subdivision will dedicate three to four lots for a small interior park as well as a pedestrian walk thru that will connect Howard with Silverbrooke Street.

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not have any impact on other public facilities in the area.

XV. RECREATION --

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There might be a slight increase in the number of persons using local parks, however, the Crinklaw and Nelson subdivisions will construct their own neighborhood parks, which will serve the residents of each subdivision.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed residential projects will construct their own park facilities in lieu of paying park impact fees. The long-term maintenance of the proposed parks will

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	<u>No</u> <u>Impact</u>
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be the responsibility of a landscaping and lighting district that will form for each subdivision.

XV. TRANSPORTATION/TRAFFIC

-- Would the project:

1. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

☐ ☐ ☒ ☐

Discussion: A less than significant impact is expected. The subject territory, when fully developed, will generate approximately 2,390 trips per day, most of which, will occur during the peak hours of 6 to 9 am and 4 to 6 pm. Approximately 239 trips would be generated during the peak morning hours and 191 trips during the peak evening hours. Mendocino is operating at a LOS of C. The additional traffic from the proposed subdivisions that would utilize this roadway would not cause a significant impact on this roadway - reducing the LOS from a C to a D. In addition, some traffic from the subdivisions may utilize streets such as Kamm, Silverbrooke, Howard or Solig to travel to destinations beyond the immediate neighborhood.

To confirm that the project will not have an adverse impact on Kingsburg's local street system that serves the project area a Traffic Study is being prepared by the city engineer to confirm the above findings. This traffic study is attached to this Initial Study. It concludes that the project (Nelson and Crinklaw subdivisions) will not have an adverse impact on surrounding roadway sections or intersections.

Also, both subdivisions have been designed to encourage walking rather than the use of vehicles. Over time, the trip generation for a single family dwelling may actually drop from the current 10 trips per day per residential unit to 9 or 8 trips per day.

1. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: Traffic generated by the project is not expected to conflict with Fresno County's Congestion Management Program because of the minimal amount of traffic that will be added to local streets by the build out of the project area. The County's Management Program generally focuses on major roadways that cross the county not local Kingsburg streets.

2. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is not expected to affect air traffic patterns.

3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: The project will not have an adverse impact on the level of service (LOS) of 18th Avenue or Kamm Street. There maybe some delays at the intersection of 18th and Kamm during peak morning and evening commute hours but these delays will be brief.

4. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: The project area can easily be accessed by emergency vehicles. Both subdivisions are designed to have two or more entrances into the subdivision thereby providing emergency services more than one access option to access homes inside the subdivision.

5. Conflict with adopted policies, plans, or programs supporting alternative				
--	--	--	--	--

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project will not conflict with any policies, plans, or programs supporting alternative transportation.

**XVII. UTILITIES AND SERVICE
SYSTEMS:** Would the project:

1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
☐ ☐ ☒ ☐

Discussion: The project will not generate a significant amount of wastewater because only 180 single-family homes are proposed for construction within the project area. These homes will be constructed over a three to ten year period. The amount of effluent that will be generated from the project area upon build out will be approximately 71,700 gallons per day, which is only 1.7 percent of the current flow into the SKF plant.

The SKF treatment plant has ample capacity to handle the additional effluent that will be generated by this project. The effluent will be typical residential wastewater. Presently, the SKF is operating at 50 percent of plant capacity. The plant has a treatment capacity of 8.0 million gallon per day; the plant is currently treating 4.1 million gallons per day.

2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
☐ ☐ ☒ ☐

Discussion: The project will not significantly impact the SKF's wastewater treatment plant nor will it require its expansion.

Kingsburg's water system is composed of six wells, pulling water from depths that range from 500 to 800 feet, and a transmission system that is composed of pipes of varying diameters and fire hydrants. According to the city engineer, the City has an ample water supply to accommodate the water needs of the proposed subdivisions.

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	<u>No</u> <u>Impact</u>
--	---	--	------------------------------------

Kingsburg residents use approximately 350 gallons per day per person. This figure increases significantly during the summer months when the outside irrigation demand rises and falls dramatically in the winter months when outside irrigation is not necessary. The State's Green Building Code and water conservation regulations will serve to reduce the water consumption rates of residential dwellings constructed in the proposed subdivisions.

3. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ ☐ ☒ ☐

Discussion: The proposed subdivisions are designed to channel storm water runoff into the subdivision's gutter system, which will be conveyed to a storm water retention basin. The project will not have an adverse impact on the city's storm drainage system.

4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ ☐ ☒ ☐

Discussion:

Kingsburg's water system is composed of six wells, pulling water from depths that range from 500 to 800 feet, and a transmission system that is composed of pipes of varying diameters and fire hydrants. According to the city engineer, the City has an ample water supply to accommodate the water needs of the proposed subdivision.

The proposed subdivisions will be connected to the city's water system. The city has ample water and pressure to serve this subdivision. The city will require the installation of water meters, which will assist in reducing water consumption. Currently, Kingsburg residents use about 350 gallons per day per person. With the installation of meters and the public's heightened awareness about the "drought" this per capita figure should fall in the coming years.

5. Result in a determination by the wastewater treatment provider that

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The wastewater generated by the proposed subdivision will be treated at the SKF Wastewater Treatment Plant. The Plant can easily accommodate the type and volume of effluent generated by the subdivision; the plant is operating at 50 percent capacity.

6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- ☐ ☐ ☒ ☐

Discussion: The City of Kingsburg contracts with Mid-Valley for solid waste collection and recycling services. The proposed subdivision will be integrated into Mid-Valley's pick up routes, which already include adjoining properties.

7. Comply with federal, state, and local statutes and regulations related to solid waste?
- ☐ ☐ ☐ ☒

Discussion: All construction waste will be recycled or disposed of properly.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the

	Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CHECKLIST PREPARED BY:

Gregory F. Collins, contract city planner
Name

3-10-2017
Date

**CITY OF KINGSBURG
NEGATIVE DECLARATION**

KINGSBURG PLANNING
CA. 93631 (559) 897-5328

1401 DRAPER STREET

KINGSBURG,

Project Title: NELSON/CRINKLAW PROJECT

Lead Agency Name and Address: City of Kingsburg
1401 Draper Street
Kingsburg, Ca. 93631

Contact Name and Phone Number: Greg Collins, Contract City Planner
Collins & Schoettler, Planning Consultants
(559) 734-8737

Project Location: The proposed project, containing approximately 88 acres, is generally located south of Caruthers Avenue, north of Howard Street, west of 22nd Avenue and east of 18th Avenue.

Applicant's Names and Addresses: Gary Nelson, 13496 E. Kamm Avenue, Kingsburg, Ca. 93631, and David Crinklaw, 13837 S. Zediker, Kingsburg, CA. 93631

General Plan Designation: The subject property is designated "Residential-Single Family" by the North Kingsburg Specific Plan.

Zoning: The subject properties are zoned AE-20 and RA.

Project Description:

1) Reorganization (annexation) of 88 acres to the City of Kingsburg and detachment of same from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District.

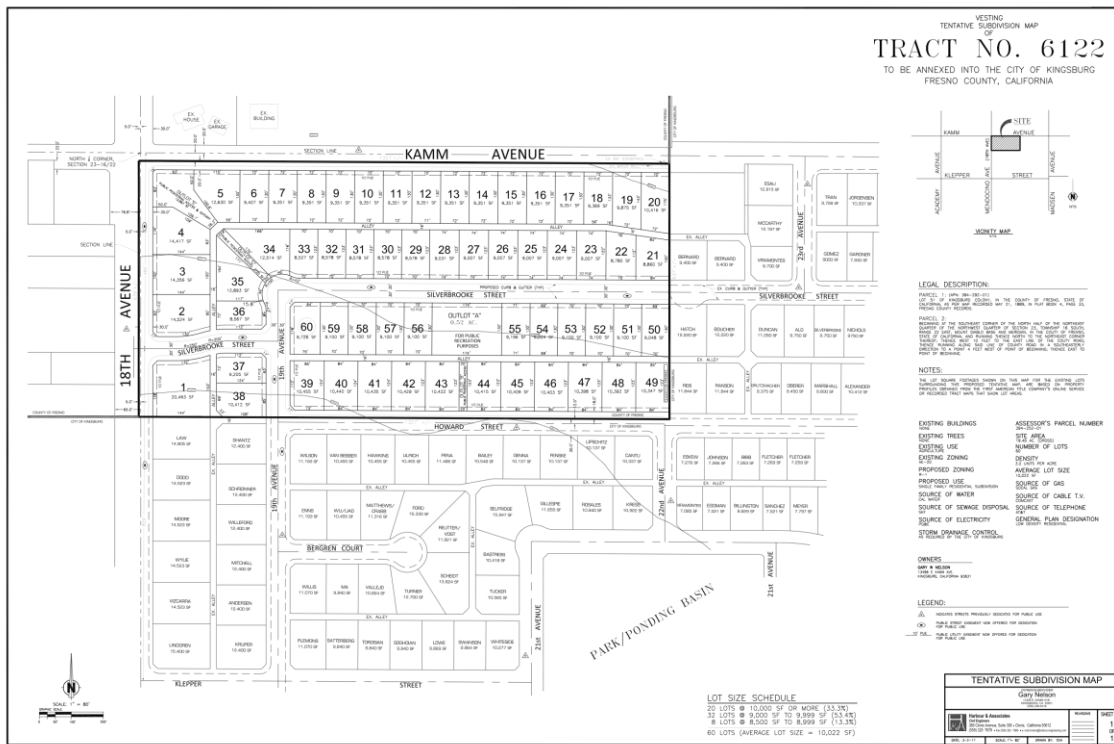


2) Pre-zone 88 acres of land from the county's AE-20 (exclusive agriculture, 20-acre minimum) zone to Kingsburg's R-1-7 (single-family residential, one unit per 7,000 square feet) and RA (rural agriculture) zones;



3) Approval of two planned unit developments (PUDs), which involve single-family residential uses and associated open space features;

4) Approval of two vesting tentative subdivision maps - Tract No. 6122, 59-lot single family residential subdivision and Tract No. 6167, Dave Crinklaw, 121-lot single-family residential subdivision. (**Note:** Prior to the consideration of the aforementioned subdivision maps, the applicants were responsible for requesting an "award allocation" from the Kingsburg City Council consistent with Chapter 16.09 Growth Management System of the Municipal Code. The planning commission and city council awarded the allocation for 59 and 121 single-family residential lots on the subject properties.)



Other Public agencies whose approval is required (e.g. permits, financing approval or participation agreement): Fresno County Local Agency Formation Commission

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts that are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

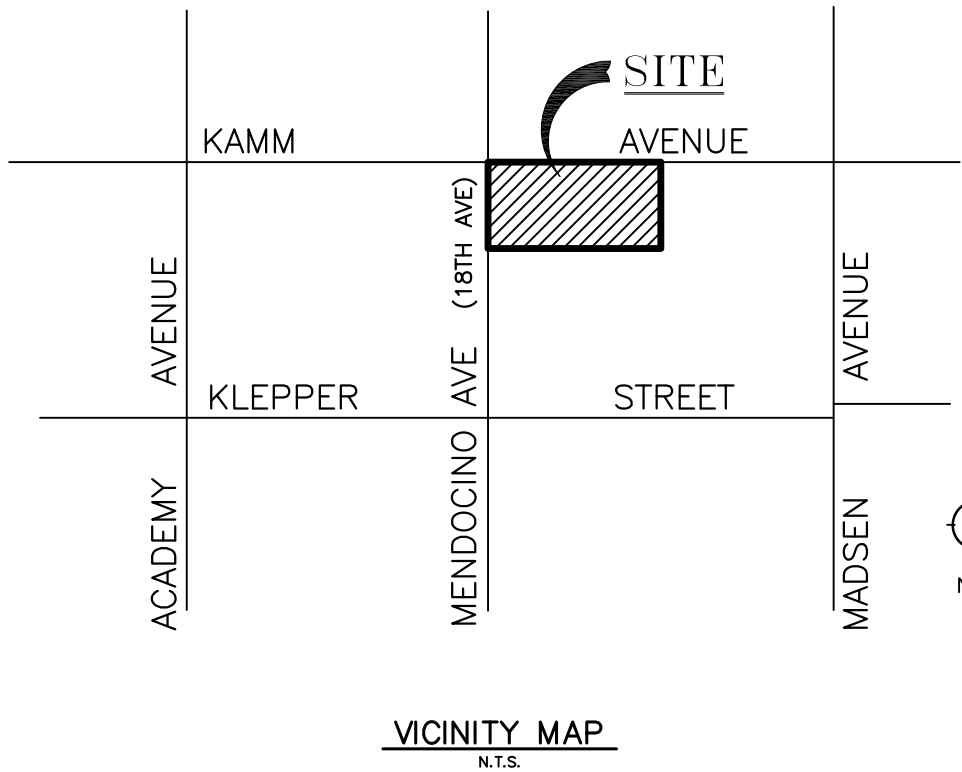
DETERMINATION:

On the basis of an initial environmental assessment and the findings mentioned above, the City of Kingsburg determines that the project will not have a significant impact on the environment.

City Planner

Date Adopted

VESTING
TENTATIVE SUBDIVISION MAP
OF
TRACT NO. 6122
TO BE ANNEXED INTO THE CITY OF KINGSBURG
FRESNO COUNTY, CALIFORNIA



LEGAL DESCRIPTION:

PARCEL 1: (APN: 394-292-01)
LOT 51 OF KINGSBURG COLONY, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED MAY 21, 1889, IN PLAT BOOK 4, PAGE 33, FRESNO COUNTY RECORDS.

PARCEL 2:
BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND RUNNING THENCE NORTH TO THE NORTHEAST CORNER THEREOF; THENCE WEST 10 FEET TO THE EAST LINE OF THE COUNTY ROAD; THENCE RUNNING ALONG SAID LINE OF COUNTY ROAD IN A SOUTHEASTERLY DIRECTION TO A POINT 4 FEET WEST OF POINT OF BEGINNING; THENCE EAST TO POINT OF BEGINNING.

NOTES:

THE LOT SQUARE FOOTAGES SHOWN ON THIS MAP FOR THE EXISTING LOTS SURROUNDING THIS PROPOSED TENTATIVE MAP, ARE BASED ON PROPERTY PROFILES OBTAINED FROM THE FIRST AMERICAN TITLE COMPANY'S ONLINE SERVICE OR RECORDED TRACT MAPS THAT SHOW LOT AREAS.

EXISTING BUILDINGS NONE	ASSESSOR'S PARCEL NUMBER 394-292-01
EXISTING TREES NONE	SITE AREA 19.46 AC. (GROSS)
EXISTING USE AGRICULTURE	NUMBER OF LOTS 59
EXISTING ZONING AE-20	DENSITY 3.0 UNITS PER ACRE
PROPOSED ZONING R-1	AVERAGE LOT SIZE 10,192 SF
PROPOSED USE SINGLE FAMILY RESIDENTIAL SUBDIVISION	SOURCE OF GAS SOCAL GAS
SOURCE OF WATER CAL WATER	SOURCE OF CABLE T.V. COMCAST
SOURCE OF SEWAGE DISPOSAL SKF	SOURCE OF TELEPHONE AT&T
SOURCE OF ELECTRICITY PG&E	GENERAL PLAN DESIGNATION LOW DENSITY RESIDENTIAL
STORM DRAINAGE CONTROL AS REQUIRED BY THE CITY OF KINGSBURG	

OWNERS
GARY W NELSON
13496 E KAMM AVE.
KINGSBURG, CALIFORNIA 93631

LEGEND:	
	INDICATES STREETS PREVIOUSLY DEDICATED FOR PUBLIC USE
	PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
	PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE

LOT SIZE SCHEDULE	
20 LOTS @ 10,000 SF OR MORE (33.9%)	
39 LOTS @ 9,000 SF TO 9,999 SF (66.1%)	
59 LOTS (AVERAGE LOT SIZE = 10,192 SF)	

TENTATIVE SUBDIVISION MAP	
OWNER/SUBDIVIDER Gary Nelson 13496 E KAMM AVE. KINGSBURG, CA 93631 (559) 236-5418	
 Harbour & Associates Civil Engineers 389 Clovis Avenue, Suite 300 • Clovis, California 93612 (559) 325-7676 • Fax: (559) 325-7699 • e-mail: tenn@harbour-engineering.com	REVISIONS 1 OF 1
	SHEET NO. 1
DATE: 3-9-17	SCALE: 1"= 80'
DRAWN BY: SDH	

TRACT 6167 KINGS ESTATES

VESTING TENTATIVE SUBDIVISION MAP
IN THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA

SITE DATA

PARCEL
APN: 393-123-26, 393-123-27
ACREAGE: 41.7 AC
FLOOD ZONE: ZONE X
ZONING (EXISTING): AE-20
ZONING (PROPOSED): R-1-7
EXISTING USE: VACANT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
MINIMUM SETBACKS: 15' FRONT (20' TO GARAGE)
5' SIDE
10' BACK

UTILITIES:
ELECTRICITY: PG&E
WATER: CITY OF KINGSBURG
TELEPHONE: AT&T
REFUSE: CITY OF KINGSBURG
NATURAL GAS: PG&E

LANDSCAPE/OPEN SPACE/BASIN
PHASE 1 PARK: OUTLOT 'B' - 1.06 AC
PHASE 2 TRIAL: OUTLOT 'C' - 0.076 AC
STORM BASIN: OUTLOT 'A' - 2.61 AC

DENSITY
MINIMUM LOT SIZE: 7,000 SQ. FT.
MAXIMUM LOT SIZE: 10,952 SQ. FT.
AVERAGE LOT SIZE: 8,455 SQ. FT.

PHASE 1 (SOUTH 21.84 ACRES): TBD
PHASE 2 (NORTH 18.67 ACRES): TBD
7,000 SF LOTS OR LESS: 12 LOTS (9.9%)
7,100 TO 10,000 SF LOTS: 78 LOTS (64.5%)
10,000 SF OR LARGER LOTS: 31 LOTS (25.6%)
TOTAL LOTS: 121 LOTS

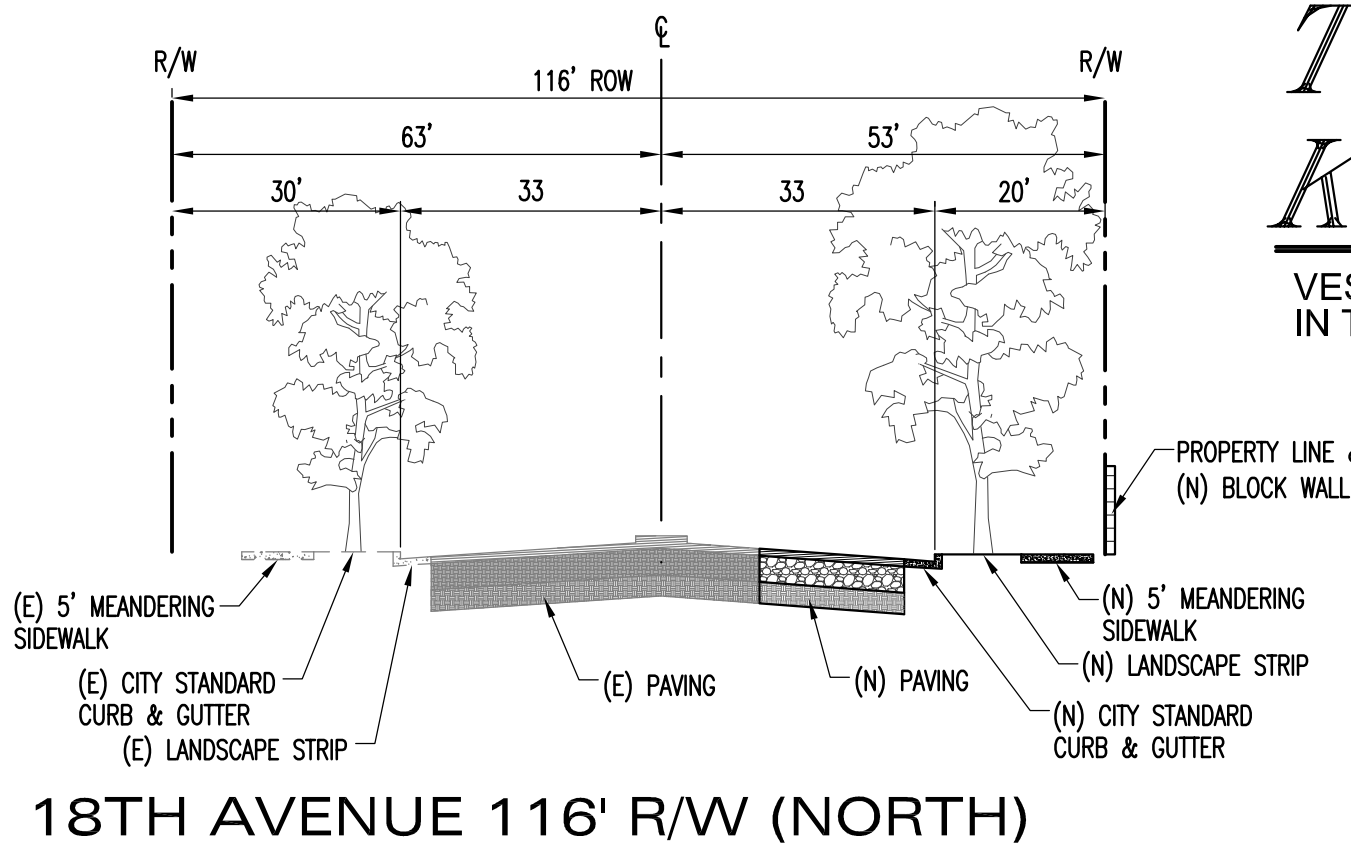
TOTAL GROSS DENSITY: 41.7 ACRES
TOTAL UNITS: 121 UNITS
2.91 DU/ACRE

TOTAL NET DENSITY: 24.85 ACRES
TOTAL UNITS: 121 UNITS
4.90 DU/ACRES

FENCES/WALLS: BLOCKWALL ALONG LOTS ON 18TH AVENUE
WOOD FENCE ALL OTHER LOTS

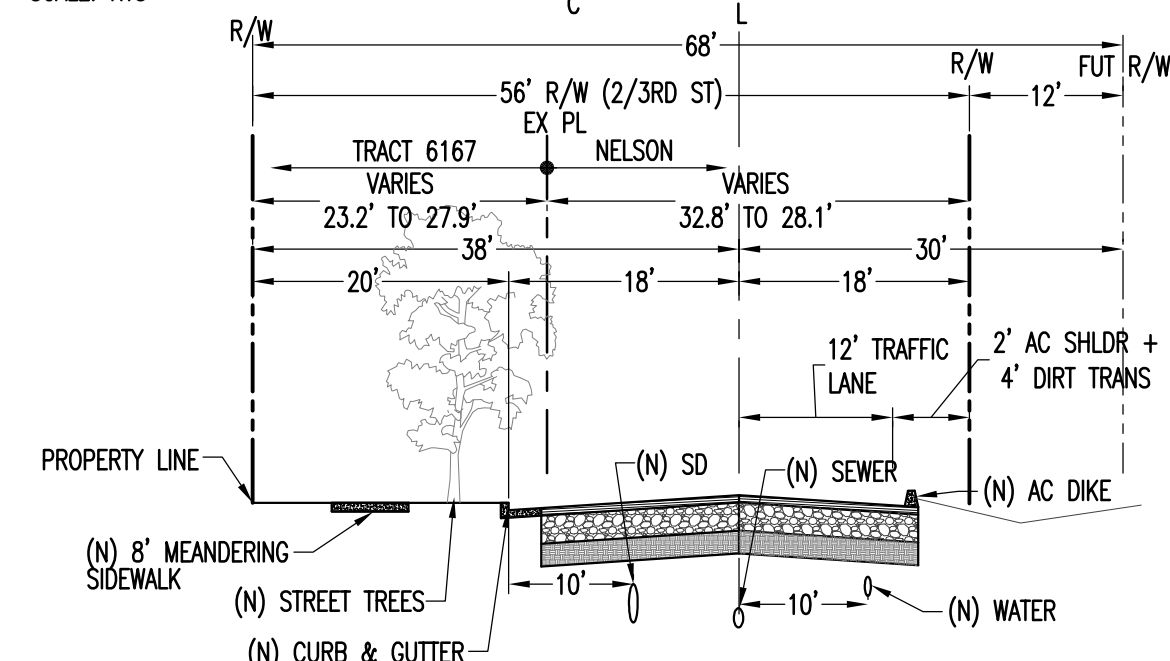
NOTES:

1. PROPOSED SEWER, WATER, GAS, STORM DRAINAGE, CONCRETE CURBS, GUTTERS, AND SIDEWALKS, STREET LIGHTS, AND STREET IMPROVEMENTS TO BE INSTALLED PER CITY OF FRESNO STANDARD PLANS AND SPECIFICATIONS.
2. THE DESIGN OF THE SUBDIVISION, TO THE EXTENT FEASIBLE, SHALL INCORPORATE NATURAL AND PASSIVE HEATING AND COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NON-RENEWABLE ENERGY SOURCES AS PROVIDED IN THE SUBDIVISION MAP ACT.
3. PHASE LINES SHOWN ARE APPROXIMATE, THE EXACT SUBDIVISION PHASE LINES SHALL BE DETERMINED AT THE TIME OF FINAL MAP, WITH REVIEW BY THE CITY ENGINEER.
4. THE SPECIFIC LIMITS/DIMENSION OF DEDICATION, BOTH ON AND OFF-SITE, FOR SOLIG AVENUE SHALL BE DETERMINED AS PART OF THE FINAL MAP AND THE SUBDIVISION IMPROVEMENT PLANS.
5. THE PROPOSED LOT SIZE MIX MAY VARY AT THE TIME OF FINAL MAP FROM THAT SHOWN HEREIN BASED ON ACTUAL OFF-SITE DEDICATIONS NECESSARY FOR THE PROPOSED TRACT. THE LOT MIX SHALL NOT BE LESS THAN THAT ALLOWED BY THE NORTH KINGSBURG SPECIFIC PLAN.



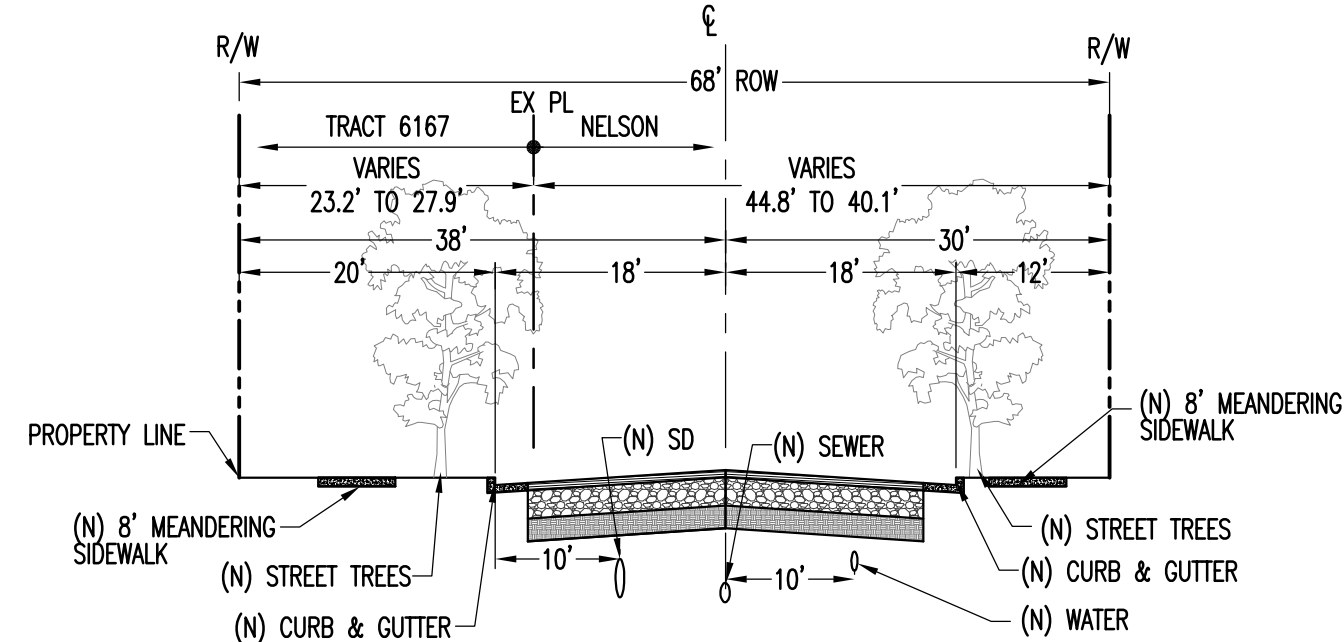
18TH AVENUE 116' R/W (NORTH)

SCALE: NTS



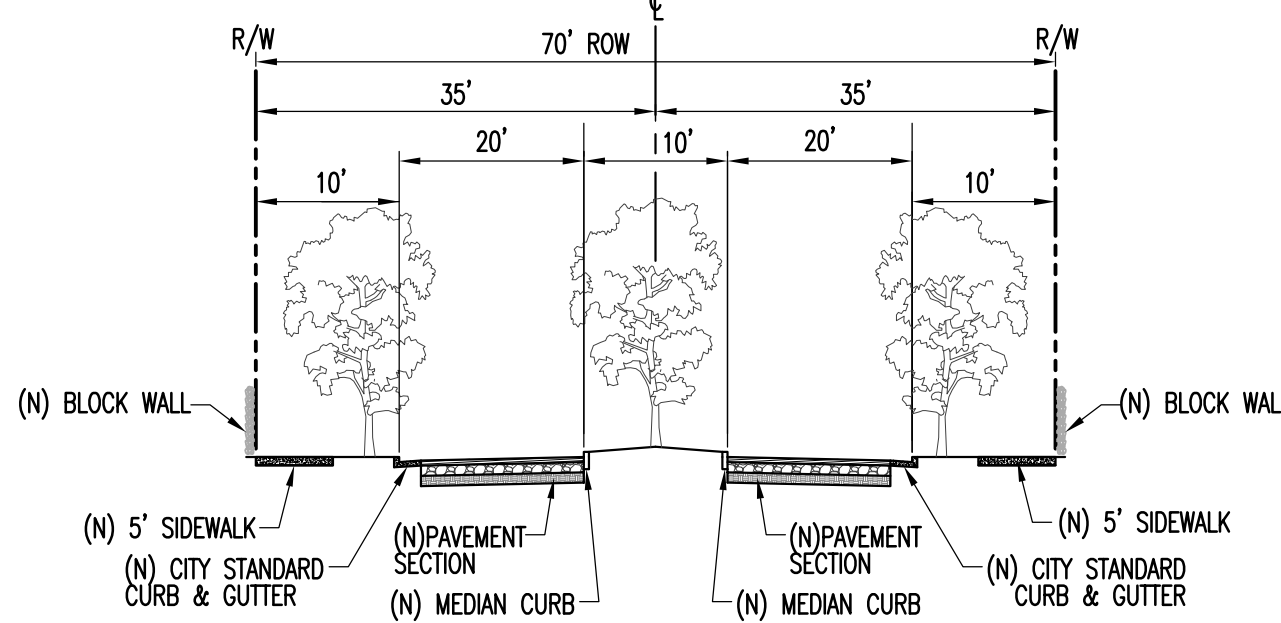
2/3RD SOLIG SECTION

NTS - APPLICABLE UNTIL APN 393-112-28 FULLY DEVELOPS



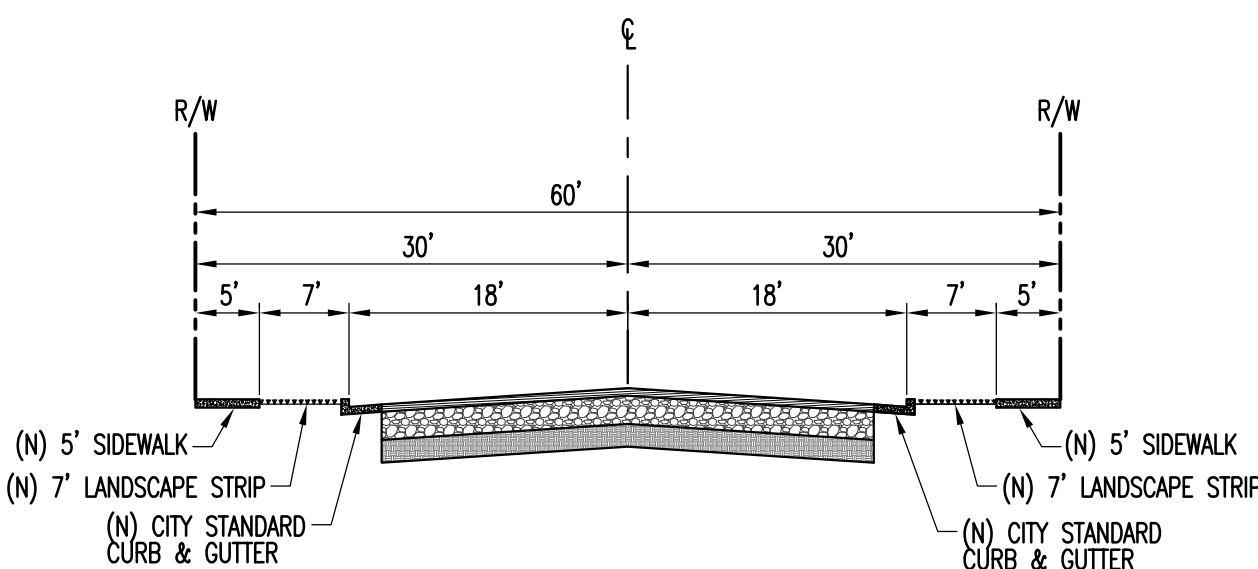
FULL SOLIG SECTION

NTS - APPLICABLE AT THE TIME APN 393-112-28 FULLY DEVELOPS



ENTRYWAY INTO SUBDIVISION

SCALE: NTS (TYP AT SOLIG AVE & 18TH AVE)



TYPICAL INTERIOR 60' R/W

SCALE: NTS

LEGEND

	CENTERLINE
	EX PROPERTY LINE
	RIGHT OF WAY
	SECTION LINE
	PROPOSED PARK
	PROPOSED TRAIL
	STREET NOW OFFERED FOR PUBLIC ACCESS
	PROPOSED 16' ALLEY
	VEHICULAR ACCESS TO BE RELINQUISHED

WEST STAR CONSTRUCTION

TRACT 6167 TENTATIVE VESTING SUBDIVISION MAP

CITY OF KINGSBURG, CA

LORE ENGINEERING, INC.
CIVIL ENGINEERING • CONSULTING • PLANNING

620 DEWITT AVENUE, SUITE 101
CLOVIS, CA 93612

(559) 297-5200 - TEL
(559) 297-6206 - FAX

REV NO	DESCRIPTION	DATE	BY	APPRVD BY

JOB: WSC.1606
SHEET NO:
SHEET 1 OF 1
SCALE: AS SHOWN
DATE: 03/29/17
DESIGNED BY: H.L.
DRAWN BY: G.X.



LEGAL DESCRIPTION:

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
PARCEL 1: (APN 393-123-27)
THOSE PORTIONS OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
1A. COMMENCING AT A POINT ON THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE NORTH 20 RODS; THENCE AT RIGHT ANGLES WEST 3 RODS AND 15 FEET TO THE PLACE OF BEGINNING.
1B. COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, AND RUNNING ALONG THE EAST LINE OF SAID LAND, SOUTH 20 RODS; THENCE WEST 58 FEET 6 INCHES; THENCE NORTH 20 RODS; THENCE EAST ALONG THE NORTH LINE OF ABOVE DESCRIBED LAND, 61 FEET AND 6 INCHES TO THE POINT OF COMMENCEMENT.
1C. LOT 165 OF KINGSBURG COLONY LOTS ACCORDING TO THE MAP THEREOF RECORDED MAY 21, 1889, IN BOOK 4, PAGE 33 OF PLATS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
TOGETHER WITH THAT PORTION OF SOUTH MENDOCINO AVENUE, ADJOINING SAID PROPERTY ON THE WEST, WHICH WOULD PASS BY OPERATION OF LAW, PURSUANT TO THE VACATION BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, RECORDED

AUGUST 3, 1994, INSTRUMENT NO. 94121758 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:
THE WEST 20 FEET OF THE EAST HALF (E 1/2) OF SECTION 14, THE WEST 20 FEET OF THE SOUTHWEST QUARTER (SE 1/4) OF SECTION 11, AND THE EAST 20 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 11, ALL WITHIN TOWNSHIP 16 SOUTH, RANGE 22 EAST, M.D.B. & M., AS SHOWN AS ROAD RIGHTS-OF-WAY ON THE PLAT OF KINGSBURG COLONY, RECORDED MAY 21, 1889, IN PLAN BOOK 4 AT PAGE 33, FRESNO COUNTY RECORDS.

1D. AN EXCLUSIVE EASEMENT AND RIGHT OF WAY OVER AND UPON THE WEST QUARTER OF LOT 166 OF KINGSBURG COLONY LOTS, ACCORDING TO THE MAP THEREOF RECORDED MAY 21, 1889, IN BOOK 4, PAGE 33 OF PLATS, FRESNO COUNTY RECORDS, AND OVER AND UPON THE WEST QUARTER OF SAID LOT 165 OF SAID KINGSBURG COLONY LOTS FOR THE EXPRESS PURPOSES OF CARRYING, CONVEYING AND FURNISHING AGRICULTURAL IRRIGATION WATER TO LOT 164 OF SAID KINGSBURG COLONY LOTS FROM AND UPON THAT CERTAIN CONSOLIDATED IRRIGATION DISTRICT'S WATER DISTRIBUTION SYSTEM AND FACILITIES AND FROM AND UPON THAT CERTAIN PRIVATE IRRIGATION PIPE LINE NOW EXISTING UPON THE SAID WEST QUARTER OF LOT 166 AND THE WEST QUARTER OF SAID LOT 165 AND PRESENTLY USED TO CONVEY SAID WATER TO SAID LOT 164, ALSO THE RIGHT OF INGRESS AND EGRESS OVER AND UPON SAID WEST QUARTER OF SAID LOT 166 AND UPON SAID WEST QUARTER OF SAID LOT 165 TO REPAIR, MAINTAIN AND OPERATE SAID EXISTING PRIVATE PIPE LINE AND DISTRIBUTION SYSTEM.

PARCEL 2: (APN 393-123-26)
2A. LOT 164 OF KINGSBURG COLONY, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 4, PAGE 33 OF PLATS, FRESNO COUNTY RECORDS.
2B. A STRIP OF LAND LYING ALONG THE EAST SIDE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 22 EAST, BEGINNING AT THE NORTHEAST CORNER OF SAID LAND AT A POINT 62 FEET EAST OF THE CENTER OF THE COUNTY ROAD AND RUNNING WEST TO CENTER OF SAID ROAD, BEGINNING AT A POINT 52 FEET EAST OF THE CENTER OF THE COUNTY ROAD AT THE SOUTHEAST CORNER OF SAID LAND AND RUNNING WEST TO THE CENTER OF SAID ROAD, TOGETHER WITH THAT PORTION OF SOUTH MENDOCINO AVENUE, ADJOINING SAID PROPERTY ON THE WEST, WHICH WOULD PASS BY OPERATION OF LAW, PURSUANT TO THE VACATION BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, RECORDED AUGUST 3, 1994, INSTRUMENT NO. 94121758 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:
THE WEST 20 FEET OF THE EAST HALF (E 1/2) OF SECTION 14, THE WEST 20 FEET OF THE SOUTHWEST QUARTER (SE 1/4) OF SECTION 11, AND THE EAST 20 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 11, ALL WITHIN TOWNSHIP 16 SOUTH, RANGE 22 EAST, M.D.B. & M., AS SHOWN AS ROAD RIGHTS-OF-WAY ON THE PLAT OF KINGSBURG COLONY, RECORDED MAY 21, 1889, IN PLAN BOOK 4 AT PAGE 33, FRESNO COUNTY RECORDS.
2C. AN EXCLUSIVE EASEMENT AND RIGHT OF WAY OVER AND UPON THE WEST QUARTER OF LOT 166 OF KINGSBURG COLONY LOTS, ACCORDING TO THE MAP THEREOF RECORDED MAY 21, 1889, IN BOOK 4, PAGE 33 OF PLATS, FRESNO COUNTY RECORDS, AND OVER AND UPON

THE WEST QUARTER OF SAID LOT 165 OF SAID KINGSBURG COLONY LOTS FOR THE EXPRESS PURPOSES OF CARRYING, CONVEYING AND FURNISHING AGRICULTURAL IRRIGATION WATER TO LOT 164 OF SAID KINGSBURG COLONY LOTS FROM AND UPON THAT CERTAIN CONSOLIDATED IRRIGATION DISTRICT'S WATER DISTRIBUTION SYSTEM AND FACILITIES AND FROM AND UPON THAT CERTAIN PRIVATE IRRIGATION PIPE LINE NOW EXISTING UPON THE SAID WEST QUARTER OF LOT 166 AND THE WEST QUARTER OF SAID LOT 165 AND PRESENTLY USED TO CONVEY SAID WATER TO SAID LOT 164, ALSO THE RIGHT OF INGRESS AND EGRESS OVER AND UPON SAID WEST QUARTER OF SAID LOT 166 AND UPON SAID WEST QUARTER OF SAID LOT 165 TO REPAIR, MAINTAIN AND OPERATE SAID EXISTING PRIVATE PIPE LINE AND DISTRIBUTION SYSTEM